

SPEAHRhead

BULLETIN of the SOCIETY FOR THE PROTECTION OF EAST ASIANS' HUMAN RIGHTS

SPEAHR's Congressional Testimony

Human Rights in China

The 'April Fifth Forum' Story

Interviewed by a Hong Kong journalist, April Fifth Forum editor Xu Wenli tells about the founding of the publication in 1978, who the participants were, and what they stood for.

Ou Pulei: When was your private paper *April Fifth Forum* inaugurated, and why?

Xu Wenli:¹ It was inaugurated in November 1978 following the reversal of the verdict on the Tiananmen Incident or during the Third Plenary Session of the Eleventh Party Central Committee. At that time, a democratic movement was launched by some youths who felt that the systems in our socialist country remained far from perfect and there were imperfections in our legal system. Inspired by the Tiananmen Incident, they came up with many proposals for democracy and the legal system. Later, this campaign was called the "people's democratic movement" or "socialist democratic movement," or "proletarian democratic movement." At that time, the movement took the form of the big-character posters and discussion meetings, which seemingly promised no further development. This paper was born out of a desire to further develop and perpetuate this movement.

No private newspaper had ever appeared in our People's Republic since its founding 30 years ago. Recorded Chinese

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In October, SPEAHR president James Seymour was invited to testify before a joint session of two U.S. Congressional subcommittees on the subject of human rights in the People's Republic of China. The text of the statement he presented follows.

Today I shall address myself primarily to the subject of political rights (civil liberties) in the People's Republic of China (PRC). Although economic rights are equally as important as political rights, the former are best analyzed by economists and I prefer to deal with them today only insofar as they are related to civil liberties.

Most of the time since 1949 one has heard very little from China that was spoken by people independent of the ruling group of the moment. The flow of information and ideas to and from the public at large was controlled by one of the world's most effective censorship systems. The most serious effect of this situation was that the Peking government itself was effectively cut off from the Chinese people. Even intellectuals (indeed, *especially* intellectuals) were unable to point out perceived policy errors committed by China's relatively uneducated leaders, with the result that China remains a poor and backward country in just about every respect.

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SPEAHR seeks to advance the cause of human rights in China, Taiwan, Mongolia, North and South Korea, and among the Asian Ethnic minorities in the Soviet Union.

We view the struggle to promote human rights as virtually synonymous with the struggle to promote non-violence. Our conception of non-violence is a broad one. It is as violent to permit people to starve as it is to torture them. It is as violent to imprison people because of their beliefs as it is to kidnap them for ransom.

We are confident that the best solutions to the many social and economic problems will emerge from within these societies, once the various political groups interact non-violently—i.e., respect each other's human rights. We are convinced that ruling groups waste much of their nation's resources and human energy when they attempt to eliminate dissent. And when a particular social policy is adopted simply because its advocates enjoy the preponderance of force, there is no reason to believe that the policy is more desirable than alternative policies for the people affected. Only when the issues are debated by a public with access to a range of ideas and information, do we have some reason to hope that the more socially advantageous paths will be followed by those in authority.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

On December 10, 1948, the General Assembly of the United Nations proclaimed this declaration as "a common standard of achievement for all peoples and all nations."

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country,

including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

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Letter from Prison

The following are extracts from a letter dated April 26 which was written by Ch'en Chu, a member of the SPEAHR/International Board of Directors. She is currently serving a twelve-year sentence in a Taiwan prison as a result of her role in the December 1979 human rights demonstration held in Kaohsiung.

We have omitted certain personal remarks directed to relatives and friends (including those in SPEAHR).

It is my wish that before long all oppressed and struggling people can be free. I hope that my beloved Taiwanese brothers and sisters will soon live in equality, liberty and democracy. Legal institutions should be symbols of social justice, not instruments by means of which rulers manipulate the people.

Jesus died nailed to the cross without uttering a word in self-defense. Although I have been subjected to endless insult and humiliation, my heart is without remorse or animosity.



Ch'en Chu

In an unjust society, prison is the last repository for men and women of conscience. Sitting here, I continue to maintain a strong belief in the importance of encouraging the people to struggle for their rights. This is solely a matter of conscience, and certainly not [as has been claimed] a matter of violence. . . .

I urge friends at home and abroad to keep the embers of democracy burning, and to not forget the cries of the oppressed.

Do not pity me. I am not the first to be sacrificed—the process has been going on for over thirty years. When I think of the terrible tragedy that befell [Lin] Yi-hsiung, my own suffering seems insignificant. . . .

To those friends with whom I once sang "A Shooting Star" and "Twilight in the Homeland," please do not feel sad. The last time I grasped your hands and caressed your worn faces, you had already embraced my understanding of things, and my hopes. I trust, though, that I will live in your hearts. . . .

Should I die in prison, please bury me atop Three Star Mountain near my home. I ask that Antonio Chiang write my epitaph.

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We are pleased to receive articles and information. Materials will not be returned unless U.S. postage and an address label are provided.

Religion in China is enjoying something of a comeback. This summer Ewing W. Carroll, Jr. who usually observes Chinese religious affairs from Hong Kong, led a group to China to see for themselves. Here is what they found.

China's Religious Resurgence

By EWING W. CARROLL, Jr.

During the past year there have been numerous signs pointing to a resurgence of religious activity in many parts of China. Some of these signs include rehabilitation of religious leaders victimized during the Great Cultural Revolution (GCR), restoration of many temples, monasteries, mosques and churches, and renewed activities of such organizations as the Catholic Patriotic Association, Chinese Buddhist Association, Chinese Islamic Association, Chinese Taoist Association and the Protestant Three-Self Movement.

Following the downfall of the Gang of Four and return to a United Front approach to dealing with religion, China's leadership has been painstakingly seeking ways to re-implement the Chinese Communist Party's (CCP) policy on religious freedom and to encourage persons with religious interests to actively participate in the nation's drive for modernization.

In late June of this year, I organized and led a group of twenty-one predominately church-related Hongkong expatriates on a sixteen-day tour of China. Our two basic interests were to see the post-Mao Chinese Revolution at work and observe how religious people are contributing to the nation's modernization. We had considerable contact with people of varying religious persuasions. In formal and informal meetings (by plan and happenstance) we observed that — although the number of China's religious adherents is extremely small (compared to the nation's total population) — their contributions to the nation's development are significant. Furthermore, the recent flurry of religious activity seems genuine and likely to both continue and increase.

In the following paragraphs, I want to share some of my own observations and reflections of this trip. While some references are made to Buddhism and Islam, most of our contacts were with Chinese Christians. I make no pretense of being inclusive or final. The sheer vastness of China's size, population and complexity of problems and possibilities precludes vague generalizations on most any topic, including that of religious belief and practice. Nevertheless, there are some things which

seem sufficiently obvious to warrant repeating here. But first a word about the CCP's attitude and approach to religion.

The Party's Religious Policy

The CCP's policy on religious freedom dates back at least to the early 1930's when Mao's communist forces occupied many strategic minority areas. Mao encouraged a tolerance for the religious practices of national minorities. In his "On the Correct Handling of Contradictions among the People," Mao wrote, "we cannot abolish religion by administrative order or force people not to believe in it..." He preferred discussion, criticism, persuasion and education rather than coercion or repression as ways to eliminate what Marx called "the opiate of the people."

All of China's post-Liberation constitutions have included an article on religious freedom. The most recent one (March 1978) reads: "Citizens enjoy freedom to believe in religion and freedom not to believe in religion and to propagate atheism" (Article 46). However, it is no secret that during the GCR, ultra-leftist influences stifled nearly all overt expressions of religion. Many religious adherents and leaders suffered greatly (although many of them told us they did not suffer nearly as much as did senior level CCP members). Church buildings, temples and mosques were closed, religious materials confiscated and often destroyed and religious activity deemed a tool of reactionaries.

The Second Session of the 5th National People's Congress (NPC) in 1979 marked a clear-cut turning point in the Chinese leadership's efforts to implement its policy of religious freedom. In his "Report on the Work of the Government," former Premier Hua Guofeng stated "A citizen should be protected by the Government against any restraint in enjoying and exercising the right to freedom of religious belief, as long as he does not violate the Constitution or the provisions of specific laws based on it..." The July 1979 NPC meeting also approved a draft criminal code which includes four articles (90, 99, 147, 165) directly pertaining to the problems and practice of religion. They relate to matters of feudal superstitious belief, witchcraft, counterrevolutionary activity and legal consequences for government officials who usurp the rightful practice of religious freedom and the customs and habits of national minorities.

There are at least two basic reasons for the Chinese leadership's desire to restore and implement its policy of religious freedom. One stems from the Communist Party's candid recognition that religion, especially Islam and Buddhism,

Ewing W. Carroll is the director of the China Liaison Office, United Methodist Church, Hong Kong. This article reflects his views, not those of any organization. (For SPEAHR's position on the subject of religion in China, see page 26.)

has long historic roots in Chinese society. Furthermore, most of the country's border regions (strategic defense areas) are inhabited by national minorities with strong ties to both religions.

Secondly, China's current attempts to modernize rest upon the premise of "unity and stability" and the nation's leaders are determined not to let historic tensions between Marxism and religion upset the road to development. In the words of one scholar, "Today's Marxists in China recognize they live in an actual, not an ideal world." Support for this approach was further reiterated recently in a statement by Xiao Xianfa, Director of the Bureau of Religious Affairs, when he told a group of Chinese religious leaders: "We hereby reaffirm the policy on religion of the Party and state and hope that religious believers and religious personages as a whole will continue the patriotic tradition and contribute their share to the motherland's four modernizations."

Comments from one religious leader succinctly summarized this matter as he told us "we must realize the CCP has no high opinion of religion . . . but to oppose religion is simply not a top priority of the Party. It is more interested and anxious that China become prosperous and our people's lives improved. The Party knows best how to do this, but it also realizes religious faith and ideological peculiarities must be respected."

Religion and Patriotism

Following China's 1949 Liberation, many religious persons were singled out for their anti-communist and -government stand. This was particularly true of Catholics and Protestants who were often lumped together with landlords and other reactionaries as enemies of the people. Buddhism, Islam and Taoism were seen as relics of feudalism while Christianity was described as a tool of Western imperialism. One common expression of that era was "Each time the church gains a member, the nation loses a citizen."

In a host of conversations with Muslim, Buddhist and Christian leaders and adherents, we learned the people of China love their nation. This is no less true for religious persons. Non-Chinese whose personal preference for political systems leans towards some form of Western democracy may find this difficult to accept, but the fact remains there is a fierce loyalty and love for country expressed by people of all religious persuasions. This loyalty does not mean "my country right or wrong," but it does suggest that the ways in which agreement and disagreement are handled are within the context of Chinese socialism.

Patriotism is not equated with membership in the CCP. Only about 3% of the nation's citizens are Party members. However, Chinese religious adherents enjoy a dual loyalty to religion and nation. As one Christian leader candidly told our group, "We must disappoint Western Christians who think we should be against our government. . . ."

Organizations such as the Catholic Patriotic Association and the Protestant Three-Self Movement (see *China Talk*, Vol. V, Nos. 1/2) are often accused by outside critics as being in league with Beijing to eradicate organized religion throughout the land. Such accusations are heard with little appreciation by the leaders of these movements. If anything they see the government *encouraging* the implementation of religion in Chinese society, not trying to *eliminate* it. This was vividly brought to our attention in discussions regarding church-government negotiations for resumption of former church properties, work assignments of pastors and other church workers and the active participation of religious persons in the National People's Congress and the Chinese People's

Political Consultative Committee, both nationally and locally.

A Chinese Expression of Faith

Although Buddhism and Islam were originally imported from abroad, centuries of development within China have enabled both faiths to avoid the kind of stigma attached to Christianity. In pre-Liberation China, Christianity was closely identified with Western colonial expansion and intervention. Many non-Chinese are uncomfortable hearing Chinese Christians speak about this truth but the process is both inevitable and warranted. China (religious people included) did suffer from Western intervention, just as it was also the recipient of many good things.

Prior to 1949, church structures, organizations and finances were chiefly dominated and controlled by foreign missionaries. National church meetings were often held in English and worship services reflected the traditions of Western denominations. Former Anglican Bishop K. H. Ding reminded us "What we Chinese Christians had to realize was the missionary movement as a historical fact was inevitably related to the economic, military and diplomatic machinery of foreign powers. Today we have to live down that part of our history." Ding further stated, "We cannot simply lie on the sofa of religious freedom. Early on we found the need to be a Chinese church."

In conversations with Buddhist monks, Muslim priests, Christian bishops, pastors and lay-persons, we repeatedly heard the message: "We stand with the people of China, not against them." At the same time we heard religious leaders expressing an interest in what is happening outside China. However, simply put, the priority of the moment is seeking ways to affirm a Chinese self-hood in both the pronouncement and living of their faiths.

During the past year many Buddhist leaders have travelled to Japan, Southeast Asia and North America to participate in numerous religious meetings representing people of many faiths. Chinese Muslims are resuming pilgrimages to Mecca and several church leaders have been visiting Christian groups in Europe, North America and other parts of Asia. In all these encounters, they are reaffirming China's intention never again to be subjected to the inequities brought about by foreign intervention. In the words of one Shanghai pastor "In matters of politics we want to maintain equality with you. In matters of faith, we seek mutual respect."

This growth in self-hood is reflected in both the Catholic and Protestant "three-self" movements of self-administration, self-propagation and self-support. The Catholic Patriotic Association has continued to consecrate bishops without Rome's approval and in a recent meeting (see *China Talk*, Vol. V, Nos. 3/4) declared Chinese Catholicism has changed "from a tool of imperialist aggression into one which is administered by Chinese bishops, priests and believers." Such action certainly influences potential relations with the Vatican even as Vatican-Taiwan diplomatic ties hamper Rome's relation with Beijing.

Many church leaders are clearly aware of the desire of outside church agencies to financially support their work, but *in principle* they refuse such help. One leader told us "If we took your money now, in the short run we would be stronger but in the long run we would still reflect a colonial past."

Following the difficult years of the GCR, communications and contact between various religious groups have been resumed. Meanwhile there is a growing fervor which can best be described as "contagious enthusiasm." One pastor told us "even during the GCR our church membership doubled in size. Before that we were lucky to gain twelve new members a year." As

more church buildings are being restored for religious purposes, members themselves are assisting in renovation work with their time, energies and financial contributions.

Resumption of services in buildings which still reflect a Western influence characterize this new-found enthusiasm to develop a Chinese expression of Christian faith. Although government policy does not encourage preaching on street corners, services are packed. In one Shanghai church, members of our group heard the pastor plead with worshipers not to stay for the following service because seats are at a premium! Weekly Bible study classes in many churches easily attract 400-500 participants and in Hangzhou two-thirds of the people attending services are new converts. The Sunday preceding our arrival in Hangzhou, 80 people had been baptized in one church.

Another sign of the Chinese expression of self-hood in religious activities is the absence of denominationalism within Protestantism. Former Seventh Day Adventists, Baptists, Methodists, Reformed traditions, etc. have joined together in the creation of what church leaders call "a post-denominational" church. Former Little Flock and other more theologically conservative groups are also an integral part of this movement. ...

Foreign Concern/Meddling

Probably the greatest fear Chinese Christians have today is what Christians outside the nation are doing with regards to Christianity in China. When one pastor was asked "What can the church outside do for Chinese Christians?" His immediate response was "Be still and don't do anything." A follow-up question reinforced the unrelenting attitude many Western Christians have about "China mission": "In addition to doing nothing, what else can we do?" This time the response was "Give us your friendship, brotherly love, prayers and understanding."

Many Chinese Christians are uncomfortable with news of religious organizations outside China who feel compelled by their own understanding of Christian faith to plan mission encounters into/for China. These groups are accused of "foreign meddling" and being insensitive to the needs and wishes of China's religious communities. A paragraph from the report of the Protestant Three-Self Movement Standing Committee's 1 March 1980 meeting helps illustrate this concern:

We are aware that in churches abroad there is a small number of people still hostile to New China today. They attack our principled stand on Three-Self and put their hands into our church life in the name of "evangelism" and "research." Regardless of the color of their skin, they are trying in reality to push Chinese Christianity back to the colonial past and earn for it again the onus of a foreign religion taking its stand against the Chinese people. We hope that these individuals would not receive the support of the other Christians abroad and their leaders. We are sure their pursuits will not bear good fruit in the long run.

One church leader told us "These people [church organizations outside China] have never sought permission from us for what they do. They broadcast programs into China, hold conferences to discuss future mission possibilities in China yet haven't thought what we might feel about the matter. They are trespassing, violating the rights of the church in China."

Another bone of contention is the matter of the "two church theory." Many critics outside China contend Chinese Christians are divided into two camps — those who adhere to "official church" policy and those who support the "underground church." During the GCR ultra-leftist influences forced the closing of church buildings and many Christians worshiped in homes. While church buildings are now being gradually restored,

many people continue to meet in private homes, community centers and schools. Church leaders refute allegations that such activities are "underground." At the same time they cannot say 100% of Chinese Christians all support the work of the Three-Self Movement. They admit there is a small minority of Christians who do not agree with some of the activities of the Three-Self program. However, such opposition is described as political, not ecclesiastical.

Many church leaders are unhappy with outsiders who perpetuate the "underground church" theory saying such activity cannot help but hurt Christians in China. These leaders are convinced that people who insist on describing the Chinese church as a divided house are not friends of China or Chinese Christianity and are people with ulterior motives.

The Chinese church has no intention of nurturing provincialism among its people. It just doesn't want a return to the past. In order to accomplish this, church leaders are going to differentiate between those Christians who treat the Chinese church as an equal and those who remain hostile to present structures. One prominent leader phrased this approach as follows: "We will have to speak out about our disagreement. This way we hope to have more normal relationships with the church international."

New Times, New Needs

It is not inaccurate to describe the current resurgence of religion in China as "electrifying" in many ways. Buddhist and Christian adherents *are* resuming religious practices. Muslims are enjoying a resumption of their own particular customs and traditions. Yet one should not overlook the fact that all of this is happening within the context of Chinese Marxism. Amidst many exciting changes both economically and politically, China remains grounded in socialist reality. People are trying to improve the system, not change it.

China's youth have been reared in a society where traditional religious practices have been viewed as feudalistic and/or imperialistic. One responsibility facing today's religious leaders includes preparing for the future — and this is being done. Visiting a Buddhist monastery near Nanjing we learned that twelve men were awaiting induction into that temple's monkhood. Over fifty youths have been baptized in Beijing's Nan Tang Catholic Cathedral during the last six months. One-fifth of the Christian community in Nanjing is comprised of young people. China's Communist Youth League members are forbidden to engage in religious practices — vestiges of feudalism, but many youths are concurrently raising questions about the meaning of life and service in a socialist society.

Catholic and Protestant theological colleges are expected to resume activity next year. In Nanjing, seminary officials hope to enroll 100 students over the next three years. Over a dozen are already awaiting the opportunity to begin their studies. The pedagogy for such training will be comparable to the past but the content will be quite different. The emphasis will be on the experiences of Chinese Christians during the past thirty years. Furthermore, China is still an agricultural nation and theological training for laypersons to work in rural areas appears a top priority.

One member of our group asked a pastor "How does the Christian Church in China see its role in the context of New China?" The answer given indicated the most effective Chinese Christians would be those who serve as models in Chinese society. Model workers in factories, farms and schools. Model students in offices and shops. "The implementation of religious freedom in China needs people" one pastor told us. "The nation and the church need the support of the rank and file. We intend to provide that." □

CROSSREFERENCE

This section is comprised of items of information arranged according to Universal Declaration of Human Rights article number (see page 2), and broken down thereafter by country or territory. If no article of the Declaration is specifically relevant, we designate the category "00." If more than one article applies, our allocation may be arbitrary.

Inclusion of an item does not necessarily imply a judgment that a violation of human rights has actually taken place. For example, we include information on the use of capital punishment even in the cases of common-law criminals (under 05), though the Declaration takes no clear position on whether or not such executions violate human rights.

As with other material appearing in SPEAHRhead, we present this information in the belief that it will be of interest to members, but we cannot always vouch for the validity of the allegations. Our sources (usually the official media of the country concerned) are indicated at the end of each item.

A key to abbreviations will be found inside the back cover.

00-SK. Constitution. Various rights guarantees are embodied in the constitution which South Korea adopted in October. Some of these appear directed at correcting abuses under the previous Yushin constitution. The new instrument provides for habeas corpus and the right to privacy, and abolishes guilt by association. The latter is important because previously people with relatives in the north were deemed security risks.

02-C. Women. There are reported to be 4,700,000 Chinese women in leadership roles (cadres). The percentage of women in the National People's Congress rose from 12, in 1959, to 21 in 1978. BJ7†12M

People's Daily carried a letter from a Shanxi woman declaring "it's high time to solve the long-standing problem of equal pay for equal work for women. Sometimes men are given 10 points and women six or seven for a day's work." 1†6J79

The *Washington Post* (190) carried a very informative feature article by scholar Steven Butler, based largely on interviews he had conducted in a relatively poor commune in north China. Eighty percent of all field labor, he was told, is performed by women. "There is no irony in [village women's federation head] Yang's voice when she says, in one breath, that women are equal and, in the next, that they now perform almost all the menial tasks. . . . Although I ate dinner in several homes. . . the women of these houses, who cooked the meals, never once sat down to join us. . . . Many old women in the village still have 'little feet' [bound during childhood] which prevents them from doing anything but light household work. A woman with large feet was [once] considered an ugly clod, difficult to marry off, and people still find it funny to joke about the new generation of duck-footed Amazons. But with bigger feet, they can work, and this gives women some new clout. Sociologists have discovered that in other parts of China, the price of brides—the value of gifts given to the bride's parents—has gone up. Women are worth more than before and parents don't like to give them up so quickly. . . . 'In my opinion, [Yang finally acknowledged,] women are not truly liberated. There is too much housework for them still to do. They must make clothing, and tend to children. And they must do this in addition to working in the fields. Mechanization will further liberate women. In the future there will be a cafeteria where everyone will eat, so it won't be necessary for women to cook in the home."

A Beijing-area peasant was sentenced to 18 months imprisonment for bringing a mistress to live in the house he shared with his wife and family, according to *Beijing Daily* (20S). The woman was sentenced to 8 months. AFP20S

Ethnic Minorities. An international conference on the subject of Han Chinese policies toward other races was held at Ulaanbaatar

30M-2J79. Scholars from nine pro-Soviet countries (including Cuba) participated. The findings were highly critical. MPR2†5J79

The number of **Tibetans** occupying their region's government and party leadership posts at the regional, prefecture, municipality and county levels has increased to 113, or 50%. 25F†3M

The arts of China's ethnic minorities are coming in for greater recognition. See illustration, next page.

02-MPR. Eight Chinese citizens were expelled from **Mongolia**. The ostensible reason was that they had sold unsanitary food, but the real reason appears to have been that they offended Mongolian authorities and exacerbated the country's anti-Chinese sentiments. The deportees "permitted the abuse of official representatives of the organs of authority by acts of hooliganism and humiliation against members of their families." 9†11J79

05-C. Cultural Revolution violence. Fox Butterfield, citing Western estimates, reports that 20,000 were killed in Fujian province. NYT-13A

Linguist-artist Ye Gongchuo, former director of the Beijing Chinese Painting Institute, died in 1968 at the age of 88 "as a result of persecution" by leftists (2†3M). Printer Tu Chang-hsu, 36, died after "cruel torture" in 1970 (*BJRB*-2j). Former Hunan Military District Wu Zili was "persecuted" by leftists; he has been posthumously rehabilitated (27F†3M). Xu Jianguo, former ambassador to Albania, died in 1977 due to persecution (BJ17†18M). The former deputy party secretary in the Ministry of Textiles died in 1968 "due to persecution" (23†28J79). Revolutionary hero He Long was imprisoned and "subjected to all kinds of torment" from January 1967 until his death in June 1969 (BJ10†12J79). Former Harbin party secretary Zheng Yiping was "long persecuted" and died in 1967 of unstated causes. He has now been cleared of "renegade" and "anti-party" charges (2†4J79). Shanghai garrison commander Liao Zhengguo was persecuted "both physically and mentally" and died of illness in 1972 (3†5J79). Writer Lao She is now reported to have committed suicide after being "badly beaten" and "despicably humiliated" by red guards, according to an article in *China Reconstructs* (AFP22†24M).

Capital punishment (current). *People's Daily* (25F80) carried an article defending the use of capital punishment in the case of "heinous" criminals and "particularly heinous" counterrevolutionaries (people under 18 and pregnant women excepted). †4A

Zheng Qingfu, 41, was executed for maiming and attempting to kill a friend who refused to help him flee to Taiwan (AFP7†8A).

Three people were executed in Canton on April 2 (BJ3A†).

The execution of convicted murderer Zhang Chunyao was given much publicity in the media (XH25M†). It is more common, however, for executions to simply be announced in posted notices. For example, in Inner Mongolia the execution of a railroad worker on May 15 for robbery and murder was so announced (NYT-k10j).

A number of people have been executed for rape, including the son of a Communist Party official. *China Youth* (10J) reported three such cases in Jilin.

Hong Kong Standard 211, 1j

05-SK. The death sentence of **South Korean** political leader Kim Dae Jung was upheld by the military appeals court on November 3. Kim had charged that his confession had been extracted by means of "unbelievable mental agony" during two months of daily questioning.

NYT-3N, WP-21a

Five convicted of participating in the Kwangju uprising were condemned to be hanged.

NYT-26o, WP-28o

07-C. Class designations. China's Liberation Army News carried an article indicating that problems had been encountered in removing "bad element," "landlord" and "rich peasant" labels. "Some comrades [in a particular military subdistrict] were doubtful about our party changing [people's] class status. . . . They envisaged the negative rather than positive impact of this change." But the case of one brigade was cited where 20 of those designations had been changed, 19 had performed well. Nonetheless, complaints such as the following were cited: "At first the former landlords and rich peasants who have had their designations removed acted honestly and obeyed instructions, and some of them seem polite and amiable; in fact, they harbor murderous intentions and seek a chance for retaliation." But it was pointed out that if a former landlord, etc., contradicts a leader, his insubordination does not necessarily stem from his class background. "It should be noted that during the first six months of this year, commune members of poor and lower-middle peasant origin in this production team contradicted the production team leader on ten occasions." Now, discrimination against former landlords, etc., is seen as the result of "force of habit which has fettered our minds."

BJ22†24a79

It is now proper to address as "**comrade**" former capitalists, industrialists and intellectuals who are serving socialism, according to *People's Daily*. Everyone should be treated "equally and without discrimination." Such people should be employed in a way that gives them real authority; they should not be mere "show pieces." They should even be allowed to stand for election.

29F†25M

A Hofei factory called for an end to discrimination against **former prisoners**. More than 300 in the plant are affected.

BJ27F†3M80

Privileges. The media have inveighed against those who seek special treatment by virtue of their position or family connections. On June 18, *Worker's Daily* discussed the case of a young man who mistreated his girl friend, and was nonetheless defended by his father, an important local official. A letter in *People's Daily* complained about a 1978 case in Wehzhou in which an official had gotten off too lightly.

Hong Kong Standard 201, 5j

The *Washington Post* (4N) carried an article on the privileges enjoyed by officials and their families, including cars, foreign education opportunities, good housing, and vacation retreats.

09-C. China's 1957 **public security regulations** have been published.

XH22†26F80

It has been reported that writer Ding Ling was jailed from 1970-1975, then "secretly shipped to a village in Changzhi county, Shanxi."

13†17J79

09-SK. **Forty students were arrested** and eight were detained after violence broke out at Korea University (October 17).

NYT-18o, WP-18o

10-TW. The **judicial system** has been reorganized in Taiwan. Formerly, courts were largely under the administration of the Executive Yuan, but now that organ is only responsible for prosecution. Trials will fall under the jurisdiction of the Judicial Yuan. However, martial law remains in effect.

South China Morning Post, 2j, *Hong Kong Standard*, 2j

10-C. Counsel. A number of articles have appeared in the Chinese media concerning the right of accused persons to be defended by lawyers. According to *People's Daily* (19†28J79), "some people view the system of defense lawyers as a bourgeois invention that should not be used in socialist China. This notion is completely wrong." Lawyers can improve the quality of justice and help prevent erroneous judgments. A 1957 study is cited, according to which of 1204 cases in which lawyers had defended accused persons, 63 had not been guilty, and the punishment for another 49 was waived. Another article (GM-4†24a79) discussed a whole range of defendant's rights, including the right "to require any person to be summoned to appear as a witness and give evidence."

The Shandong provincial people's congress standing committee passed a resolution limiting (pretrial?) detention to three months.

28†30m



Manchu dance. China's minority groups are being encouraged to rediscover and develop their native art styles.

BR-3N

12-C. Rehabilitations. Eight hundred researchers and cadres of the Chinese Academy of Social Sciences have been rehabilitated. *People's Daily* carried a lengthy account on 1 July 1979.

†23j

Locally:

Fujian. More than 1,600 victims of the Cultural Revolution have been rehabilitated, some posthumously.

NYT-22A

Hebei. Chai Zixiang was "persecuted to death" in 1968 as a clandestine KMT element. Efforts to rehabilitate him failed in 1978, but succeeded in 1979. Similar problems remain to be resolved in "11 communes and 29 production brigades."

BJ20M†1A

Hubei. According to preliminary statistics, there are 430 "unjust, trumped-up and incorrect" cases related to the Liu Shaoqi issue. The authorities have stated their intentions to correct these injustices.

9†10M

Jilin. In March it was announced that verdicts in cases of 280 Liu supporters had been corrected "since last year," but that another 95 cases had been dealt with improperly if at all.

22†24M

Liaoning. There are still 60 Liu cases which have not been redressed, but many others have been corrected. For example, brickyard worker Liu Chengjia, who had served more than a year's imprisonment for putting up posters in support of Liu Shaoqi and another five years for "persisting in his viewpoint," has been rehabilitated.

8†10M

Shanghai. A thousand "unjust, false and wrong" Liu-related cases have been redressed.

11†12M

13-C. Migration. Internally, Henan cadres have been punished for permitting people to move to cities. Apparently, many of the individuals had been favored for political (or nepotistic?) reasons.

PD-15F†3M

Externally, emigration to Hong Kong has been restricted, and at Canton radio has reported that on one occasion 18 people were arrested for making the attempt.

South China Morning Post 23m. On emigration, see also *Hsin Wan Pao* (Hong Kong) 25126179; *Dongxiang* (Hong Kong) no. 9, 16125179; and *Nan-fang* (Canton), 27129179 (two pieces).

The number of permanent Chinese immigrants to the United States (including those from Taiwan and Hong Kong) is limited by U.S. law to 20,000. Those with close relatives have the best chance of gaining visas.

17-C. Corporate Shares. *People's Daily* has raised the possibility of China's enterprises issuing shares of stock to raise money for production of needed goods and to boost employment. Although no market for trading such stocks was proposed, profits would be shared with stockholders. This would reduce the need for the government to invest in such enterprises, the paper said. WP-4N80

18-C. Religion. As explained elsewhere in this issue, China is enjoying greater freedom of religion than at any time since 1949. Some specifics:

Christianity. Hong Kong religious sources estimate the number of Christians in China at about 700,000, about half of them under the age of 40. (Before 1949 there were about three million Catholics, 700,000 Protestants, and a small number of Eastern Orthodox.) Only a tiny fraction of today's Christians (22,000) attend government-sanctioned churches. Most of the others apparently participate in services in private homes. In Fujian alone, 20,000 were reported to have signed the waiting list to obtain a forthcoming edition of the Bible. There has been some talk among overseas missionaries regarding the prospects for evangelizing in China. However, on June 3 *People's Daily* warned foreign Christians not to involve themselves in Chinese religious affairs. *South China Morning Post* 23 Hong Kong Standard 51, 301, 91

In March, two Catholic cardinals visited China, and the church made it clear that it was willing to normalize relations with Beijing. However, Chinese leaders appeared uninterested, and it appears that organized Catholicism will be confined to the officially-sanctioned Chinese China Patriotic Catholic Association. In May, the organization held its first synod since 1962. On that occasion it was made clear that pro-Vatican dissidents would be resisted.

NYT-14M, 21; WP-15M; *South China Morning Post* 93

Likewise, Protestant churches would be encouraged to operate within the officially-approved Protestant Three-Self Patriotic Movement. Representatives of 16 province-level units met in Shanghai from 25 February to 1 March, and it was announced that the Protestant churches would reactivate their administrative structures, reopen seminaries, and reprint the Bible (4M†). The churches appeared particularly lively in Fuzhou, where they were observed by American journalists (NYT-5A, WP-5A).

Buddhism. Chinese Buddhist Association head Zhao Puchu has estimated that there were 100 million Buddhists in China before the Cultural Revolution, but could not estimate the number today. Temples are reopening, including the 1,000-year-old Nanputo Temple near Fuzhou. *China Youth* has reported that some Youth League members have become Buddhists and have been working to rebuild houses of worship. Such converts, the paper indicated, would have to be expelled from the Youth League.

AW-11A, NYT-27m

Taoism. Bai Yun Guan, the largest Taoist temple in Beijing, is being refurbished by the government. The building is 1,200 years old. It is a major center of the sect in northern China, and is now the seat of the officially-sanctioned Chinese Taoist Association.

South China Morning Post 41

Islam. During the Cultural Revolution virtually all mosques were closed. There was a small rebellion in Yunnan by Moslems resisting Han Chinese insistence that local languages be given up and pork be eaten. Now things have changed for China's 13 million Moslems. The China Islamic Association held a Conference in late spring to mark a 651 A.D. envoy to Changan. BJ6†7A, NYT-27m

A Worship Service at Pure Heart Church

A former Presbyterian Church, Pure Heart, seats 500-600 but on Sunday, 30 June 1980, there were at least 1,300 persons present for morning worship. Some people brought their own stools, others sat on stairways, or in outbuildings where loudspeakers had been installed. The congregation was predominately elderly although some youths were present. Many youths attend the church's Friday evening service.

Our balcony seats gave us a good view of the entire building and people. One woman to my left was copying scripture verses into a small notebook. During the reading of scripture, many people read aloud with the pastor. Prayer time sounded like a bee-hive with countless "A-mens" added by various worshipers. During the singing of three hymns I noted nearly half the people sang from memory with a gusto far surpassing the spirited enthusiasm of football fans. The preacher's forty-minute Bible-based sermon seemed more like ten minutes and included relevant references to the current Chinese situation. Theologically and homiletically, it was superb.

Eleven middle-age adults were baptized (the first since the Cultural Revolution) although services have only recently resumed at Pure Heart. Five pastors shared in leading the service and dozens of people lingered after the service, many to kneel by their pew to pray or meditate, others to engage in spirited conversation with people about them.

—Ewing W. Carroll, Jr.

Imprisonment of priests. Although some religious leaders have been released from confinement, at least one other has been incarcerated.

Dominic Deng (Deng Ining), former Catholic Bishop of Canton, was freed on June 9, according to Hong Kong's *Ta Kung Pao*. The 78-year-old Jesuit had been held for 20 years, but was now said to have exhibited good behavior and have "admitted his past mistakes."

China Talk 3

But another Catholic priest, after earlier having served a 20-year prison term, was rearrested on May 5. Father Stanislaus Shen was sent to Bei Mao Lin in Labor Camp in Anhui. He is alleged to have led a "spontaneous pilgrimage" by at least 3,000 Catholics, mostly poor fishermen, to a sanctuary near Shanghai dedicated to the Virgin Mary. He was then charged with hampering production and modernization. Bei Mao Lin was the same camp where Father Shen had earlier served a 20-year term. Upon his return, he reportedly

received a warm welcome from the inmates whom he had known before. He is reported to be in poor health, suffering from a heart condition.

Another Catholic, Kung Pingmei, former bishop of Shanghai, remains in detention. He was taken into custody in the early 1950s.

UCA News 21m, Amnesty Action 0

An important official statement on the subject of religion in China is Xiao Wen, "Policy on Religion" BR 21D79. See also remarks at Dong Guangxin (director of the Institute of Research on Religion, Nanjing University) 9F13a79, and "An Open Letter to Brothers in Christ China," Standing Committee of the Christian Movement for Self-Government, Self-Support and Self-Propagation (reprinted in China Talk, A)

Superstition continues to be a sensitive problem in China. People from all over northern China have climbed Shandong's sacred Mount Tai to honor the local goddess. They burnt offerings on the summit, and bowed before images of the goddess (NYT-27m). An overseas Chinese from Indonesia paid US\$60 for a complicated ceremony in Fujian to appease the spirits of his deceased parents. To make life more comfortable for them, there were offerings of paper money, and paper models of a mansion, car and airplane (AW-11A).

Xiao Wen (BR 21D79) comments as follows: "Those who are hoodwinked to take part in such practices are given education. Nevertheless, the situation is complicated in real life. Some people are accustomed to such practices as worshipping their ancestors, believing in the existence of a soul, spirits and ghosts. So long as their activities do not affect the political and productive activities of the collective, the government will not prevent them by administrative means, but will patiently dissuade them from engaging in such practices."

A thoughtful article on this subject is Peter Barry, "A Resurgence of Fendal Superstitious Practices: A Survey," *China Today Quarterly: Voices on Christianity and Chinese Religion and Culture* (Lao Fong Shau, Shatin, Hong Kong), No. 2, 1980

18-MPR. Buddhism. An Asian Buddhist Peace Conference was held in Ulaan Baatar in June 1979. It was attended by the Dalai Lama. 19F21J79: 15, 16, 18F19J79

18-U. Atheism. Tashkent's *Pravda Vostoka* (10aF11S79) carried a 6,000-word feature article reviving the Soviet campaign against religion and "bourgeois vestiges." The author, A. Kudinov, declared: "Experience shows that departures from Soviet morals occur when proper attention to atheistic propaganda... is lacking... The more elevated our society becomes, the more intolerable deviation from the socialist norms of morality becomes."

Islam. Mufti Zia Ut-din Babakhan, the head of Moslems in Soviet Central Asia, spoke (Takzhikistan 12F13S79) on the progress of Islam in the country. He said that Moslems have freedom and confidence. "They are guaranteed the protection of human rights." He pointed out that religious science and Arabic are taught in various schools. On other occasions, he has denied Western allegations that Soviet Moslems are persecuted (3F4J79, 7F8J79). "The state does not interfere in our religious affairs" (25F27J79).

See also Moscow 5F9J79, 25F26J79

19-C. Freer discussion. Although the last of Beijing's dissident journals (*Today*) had been closed down by late summer (WP-15S), within the official establishment there has been much freer freedom of expression than in years past. Both last February's Central Committee meeting and the September National People's Congress were marked by outspoken differences over policy issues (28F7, WP-11S). *People's Daily* (27F28F) reprinted an article from *Anhui Daily* (14F) on "the fine tradition of inner-Party criticism." *Guangming Daily* also carried an article by Zhou Qiyu on the importance of academic freedom (27F7M). Earlier, *People's Daily* had carried a commentary on the importance of newspapers remaining faithful to the facts (24F31J79).

Two noteworthy articles on the subject of "counterrevolutionary crimes" were carried in *People's Daily* (24F31J79) and *Guangming Daily* (18F23a79).

19-SK. Censorship. South Korean newspapers have been obliged to fire hundreds of journalists for reasons such as:

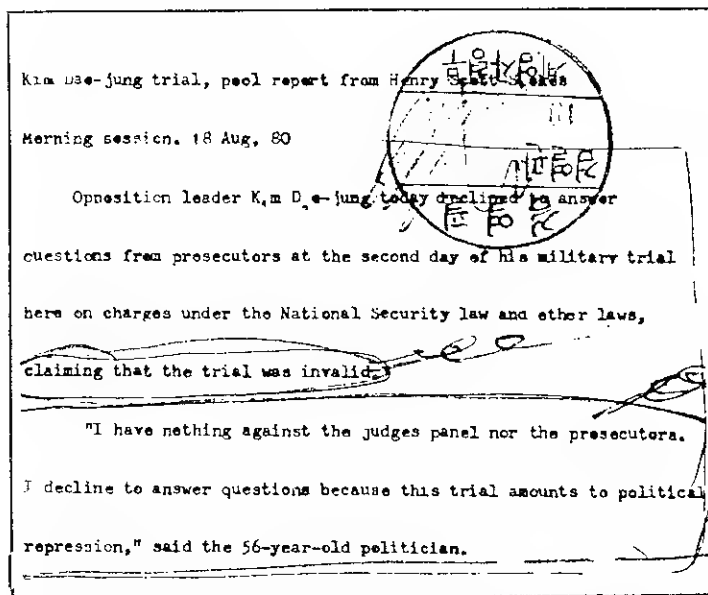
- sympathy with socialism or lack in anti-communist zeal
- a record of criticism of the government
- advocacy of freedom of the press
- close relations with the political opposition.

Many serious and prestigious publications, including Joongang (a distinguished political review) have been shut down. FEER-15a

Much of the censorship has been conducted under the guise of "purifying" the media. *Asiaweek* (24a) puts the number of magazines and periodicals banned at 172, but these include such journals of the professional organ of the Journalists Association. About 12% of the country's publications have been suppressed.

The government has used its control of the media to incite hostility against political leader Kim Dae Jung. (As we go to press, Kim is appealing his death sentence.) NYT-10N

Press dispatches from abroad are commonly censored. Reporting of U.S. policy is altered, causing marked distortions (NYT-4S). Out-going reports are also censored, as indicated in the accompanying illustration.



An English-language account of Kim Dae Jung's trial, as censored by the Korean authorities. From *Dai-ichi shimbun* (Japan) 15a.

19-JP. Espionage. Japan gave alleged Chinese Nationalist spy Hsu Pei-cheh an 18-month prison sentence for using a forged passport. Keizo Takagi, who helped him, was given ten months. (Japan has no law against espionage activities.) K11F13J79

20-C. Friendship. The *Washington Post* (8a) carried an interesting article on the problems people have in maintaining friendship in China. This situation has arisen because in the past people were often encouraged to denounce their friends publicly, often in connection with trumped-up charges. "Friendship took a terrible beating in the Cultural Revolution in the late 1960s, when friends turned on each other to try to save their jobs during the mass purges." Now, people tend to avoid discussing political subjects, even with relatively close acquaintances. According to an Anhui journalist, "A close friend now is one who has passed the test and not betrayed you during the campaigns. That is someone who will be close to you always. You can talk to him of what is in your heart without fear. But such relationships are very rare."

20-TW. Political parties. The Chinese Nationalists have ruled out the establishment of independent political parties. Two months before the Kaohsiung incident (led by non-Party democrats who would like to have formed an opposition party), it was stated by

Publications Received

Contemporary China, October 1980 (Westview Press, 5500 Central Avenue, Boulder, Colorado, USA). Contains useful articles on **dissident literature in China**. Included are essays on "Dissident Literature: Official and Nonofficial Literature In and About China in the Seventies," "Underground Literature: Two Reports from Hong Kong," "Discussions on Exposure Literature Since the Fall of the Gang of Four," "Popular Publications in China: A Look at *The Spring of Peking*," and "The Social Science of Development and the Development of Social Science."

Deng Xiaoping's Report on the Current Situation and Tasks, 16 January 1980. The text of this secret speech appeared in the Hong Kong magazine *Zhengming*, 1 March 1980. Translation: FBIS, 11 March. Deng gives his views on China's dissident movement.

Dreyer, June Teufel. "China: On the Limits of the Permissible." *Problems of Communism*, November-December 1980.

Formosa Weekly (P.O. Box 3727, Los Angeles CA 90051 USA). The purpose of this periodical is to carry on the work of the defunct Taiwan magazine *Formosa*.

Goodman, David. **Beijing Street Voices: The Poetry and Politics of China's Democracy Movement**. London: Marion Boyars.

Huang San, et. al. **Un bol de nids d'hirondelles ne fait pas le printemps de Pékin**. Paris: Christian Bourgois. An anthology of posters, manifestos and articles.

Index on Censorship. The December issue carries a major feature on **Taiwan**, and the January issue a review article on various works pertaining to **China's democratic movement**.

Korean Overseas Information Service. **Kwangju Turmoil: Facts vs. Rumors**.

—, **The Truth About the Attempted Insurrection by Kim Dae-jung and his followers**.

"**Letter from a Chinese College**." *New York Review of Books*, 25 September 1980. An anonymous report which stresses the intellectual sterility of higher education in the CPR.

Letter on Taiwan, May 1980. (P.O. Box 910, Manhattan, Kansas 66502 USA). This 94-page booklet discusses political repression in Taiwan.

Maeding, Klaus. **Criminal Law and Mass Education in the People's Republic of China** (in German). Edition suhrkamp 978, Frankfurt am Main. One of Europe's leading China watchers analyzes the system of sanctions in China from political, legal and educational perspectives. A chapter deals with concepts of criminal law in traditional China. It is shown that in various periods the Communist Party has made use of law to socialize the masses. Lengthy quotations from many cases, from official statements and participant observation are included. The stages of criminal process are set forth, including aspects in force since January 1980. The particular type of re-education used in labor camps is studied and criticized from a sociopsychological perspective.

Minus 4. 15 May 1980. (1984 Bookshop, 1/F, Wanchai, Hong Kong.) English translations of essays by China's democrats.

Political Monitor (*Chung Ku Lou*). This new organ of Taiwan's democrats was banned after one issue (September 1980). Its publisher was Huang T'ien-fu, brother of the imprisoned legislator Huang Hsin-chieh.

Trivièrè, L. "**Le droits de l'homme en Chine**." *Études*, February 1980.

Premier Sun that political parties "with ideologies differing from the three principles of the people [i.e., the KMT line] shall not be tolerated."

Chung yang jih-pao 3079†18079

21-HK. Representation. Mary Lee has written a thoughtful review on the subject of Hong Kong's chances for establishing representative government. Although the Green Paper (see SH 6/7 p. 17) seemed to hold out some promise in this regard, Lee concludes: whatever is decided, the easiest way out for Hong Kong—letting people elect their own government leaders—has been put beyond reach by China. Guangdong governor Xi Shongxun "dashed all hopes for constitutional reform when he said, during his visit to Macau in May, 'The historical status quo of Hong Kong and Macau should be maintained . . . and no threat to their economic stability will be tolerated by China.'"

FEER-19S

21-SK. Participation. South Korea's interim legislature has approved a law that would prohibit politicians who are deemed corrupt or "instigative" from engaging in political activities for seven and a half years. According to the *N.Y. Times* (4N), "The law is expected to affect most of South Korea's major politicians." A list of banned figures is to be announced after a screening committee headed by President Chun Doo Hwan makes its determinations.

On November 12 the government announced that almost a thousand politicians would be banned from running for public office or otherwise engaging in political activities. Covered by the ruling were NDP leaders Kim Young and Sam and Lee Chul Seung; former

premiers Kim Jong Pil, Chung Il Kwon and Paik Doo Chin; and former majority leader in the Assembly Choi Young Hi. NYT-13N

25-C. The elderly. At China's National People's Congress in September, a physician-delegate raised the sensitive question of how the country will be able to continue its legally-required practice of having older people cared for within the family if the birth control program succeeds and each couple has only one child. Under such circumstances, each couple would have to care for four old people. The delegate called upon the government to increase retirement benefits, especially in rural areas which have no pension system.

NYT-10S

Adoption. In an unusual move, the Chinese government has allowed an American couple to adopt a Chinese child. WP-17A

25-M. Child care. The Mongolian party central committee and the council of ministers has adopted a resolution "On Measures for Further Improving Maternity and Child Care." It concerns medical care, nurseries, etc.

Mantisame 6†21S79

26-C. Education. *Beijing Review* (7I) carried a special feature on education in China. Almost 3 billion people are reported to have graduated from college since 1949.

27-C. Writers. The rehabilitations of such "victimized" literary figures as Ba Jin, Feng Zikai, Wang Zuolin, Ke Lin and Xu Baiying were detailed in SH9†14J79.

Scientists. China has urged scientists and technologists in Taiwan to visit the mainland.

25†26F

On Wei Jingsheng's Conviction

Author of the famous essay "Fifth Modernization," Wei Jingsheng was one of the foremost spokesmen of China's democratic movement. Wei maintained that Deng Xiaoping's "four modernizations" would be insufficient, for they dealt only with economic and military affairs. He argued that in addition to these China needed political modernization, i.e. democracy based on human rights.*

In 1979 Mr. Wei was arrested and sentenced to fifteen years imprisonment. Below are some reactions which appeared in the November 1979 issue of April Fifth Forum.

JR5442

A Legal Puzzle

By ZUO REN

I am surprised and saddened to learn about the conviction of Wei Jingsheng. Since there is so little time left to appeal, I must spell out candidly what I think of the decision.

I

One of the charges in Wei Jingsheng's indictment is that he leaked "military information" to a foreigner four days after the outbreak of the self-defense counterattack against Vietnam.

The fact that Wei Jingsheng had disclosed "military information" about the Sino-Vietnamese war made him guilty of "counterrevolutionary" activities. If this were so, the foreigner who pried into "military information" on China would be guilty of spying and should be prosecuted according to Chinese law. It is strange that the court has not said anything about the matter, nor has it disclosed the name and nationality of this foreigner. Are the authorities afraid that the prosecution of the foreigner might affect our relations with the country concerned? Is it in the best interest of the Chinese people and the integrity of the legal system not to prosecute a foreigner guilty of spying just because it might affect our relations with a foreign country?

It appears to me that Wei Jingsheng was not indicted primarily for disclosing military information. If he were, the foreigner who came to China to pry into our "military secrets" would have no way to disclaim his criminal responsibility, and would be prosecuted and tried in a Chinese court. He would find it difficult to challenge the material evidence and testimony of witnesses produced by his host country.

II

The second charge in the indictment is that Wei Jingsheng incited against and slandered the leadership of the party and the socialist system. . . .

To make charges based on facts taken out of context is, to say the least, an infraction of the law. Moreover the journal

(continued on page 15)

Unjust Conviction

By XU SHU

Both Wei Jingsheng and Fu Yuehua have finally been brought to trial. It is a commendable move by our country's judicial authority to handle these cases according to law.

However, it is regrettable that the trial of Wei Jingsheng was not publicly announced either before or on the day of the trial. We all know the promulgation of the new criminal code by the Second Session of Fifth National People's Congress is supposed to usher in a new era of criminal justice in our country. Trial in open court and prior announcement of trial are required as parts of due process of law. The trial of Wei Jingsheng, chief editor of the unofficial publication *Exploration*, was not held in adherence with this law. Even Lu Lin, one of the parties concerned, was unable to attend the trial, nor were the reporters of other unofficial publications "organized" to sit in as spectators. Does this mean these people are such dreadful scourges that they would storm the court and disrupt its proceedings? This is ridiculous. Those who have read Gorki's works should be able to recall the court scene Gorki wrote about, especially the defendant's relatives and friends at the scene of the trial, and the packing of the court room with spectators organized by the authorities. Are there similarities between this case and the scene in the capitalist court which Gorki described? When the reporters of the unofficial publication heard about the trial, they went to the court but were barred from entering.

I remember in the history of Chinese journalism there is an account about the trial of Zou Rong, editor of *Ming Bao*, a revolutionary in the late Qing Dynasty who was convicted and sentenced to death for opposing the imperial authority. Even in such a serious case, all eye witnesses and the reporter

(continued on page 18)

*The essay "Fifth Modernization" originally appeared in various numbers of the journal *Exploration*, which Wei edited. An English translation appears as Document 12 of James D. Seymour, ed., *The Fifth Modernization: China's Democratic Movement, 1978-1979* (Pine Plains, N.Y., Earl Coleman Enterprises, 1980).

Wei: Another View

By LU YAO

1. The information Wei Jingsheng gave to the foreigner cannot be construed as "military intelligence" until the state prosecutor and trial court produce evidence strong enough to prove when, where and how Wei Jingsheng gained access to (or "spied out") state military secrets. According to Wei Jingsheng's admission, the information about the military situation was nothing but gossip and rumors. Thus, the facts of this case as far as ascertainable in law are but gossip and rumors which Wei Jingsheng passed to a reporter of a friendly country. Obviously these facts do not constitute a crime under any law of our country. If people believe Wei Jingsheng made certain mistakes in what he did, they do not fall within the jurisdiction of a court.

2. Comrade Xu Shu thinks it is a mistake for Wei Jingsheng to disclose information on the military situation to a foreigner and also criticized Wei's attitude toward the self-defense counterattack at the Sino-Vietnamese border. Comrade Xu Shu has the right to do so. Even though I agree that Wei Jingsheng made mistakes in his conduct and expressions of opinion, I still believe the right to criticize and the right to rebut are inseparable. Since we believe Wei's conduct and opinions are not criminally punishable and that Wei Jingsheng is not in a position at this moment to defend himself or authorize anyone else to defend him, it is not quite right to over-criticize his conduct and opinions. I do hope Comrade Xu Shu will take this into consideration.

3. Comrade Xu Shu says Wei Jingsheng's opposition to Marxism contravenes our constitution. I believe opposition to Marxism is only an ideological error and does not contravene the constitution. Our constitution provides: "Marxism-Leninism-Mao Zedong Thought shall be the ideological guide of the People's Republic of China." It does not provide that Marxism-Leninism-Mao Zedong Thought shall be the ideological guide of every citizen. The constitution may specify the standard of conduct for every citizen but may not specify his standard of thinking and belief.

Wei Jingsheng and his associates are opposed to the guiding ideology of our country. Their opinions are expressed in general criticisms. They have not realized it is their responsibility to back up their opinions with facts. This is indiscreet and wrong. However, to persecute him criminally implies a move beyond the scope of ideology which has to be interpreted in the light of the overall political situation. Of course we understand the real reason for the move is to get at a violation of the taboo and the need for political stability. We do not agree that these would justify arbitrary action. As pointed out by many progressive personages, many communists of the Stalinist school do act according to this dogma: the end justifies the means. This is a warning, and the lesson is worth remembering.

—Yu Ren

This is obvious. In fact, our constitution affirms the religious freedom of every citizen. This means that every citizen has the right to believe in any anti-Marxist ideology. In his article "Correct Handling of Contradictions Among the People," Comrade Mao Zedong had this much to say about criticizing Marxism. "Of course it may be criticized, Marxism is scientific truth and may be criticized. If Marxism shuns criticism and cannot withstand criticism, then it is useless. As a matter of fact, haven't the idealists been criticizing Marxism all the time? Haven't those who cling to capitalist and bourgeois ideologies been criticizing Marxism on all fronts?"

4. Comrade Xu Shu criticizes *Exploration* for failure to distinguish organizational drawbacks and the inherent weaknesses of the socialist system in its criticism of abuses of power. In spite of the mistakes in the writings published by *Exploration*, I think Comrade Xu Shu's criticism is uncalled for. Socialism as a living "system," we should say, is represented by the socialism in the Soviet Union after the October Revolution and the kind of socialism built in the latter part of the 1940s in Eastern Europe and Asia (including our own). We must admit that there is an historical reason for the emergence of these socialist systems. But these systems of socialism have led to inherent internal contradictions in all these countries (especially the contradiction between productivity and production relations). These contradictions in turn have brought to light certain serious common drawbacks inherent in the system (not only bureaucratism) which hinder the development of productivity and social progress. Lin Biao and the "gang of four," as far as we can judge, are the product instead of the cause of these drawbacks. This is absolutely true. How are you going to separate organizational drawbacks from the inherent weaknesses of the existing socialist system? Aren't organizational reforms also reforms of the socialist system itself? How can anyone seriously interested in studying the drawbacks of the system proceed with organizational reforms without touching upon the socialist system? Is there a perfect and faultless "socialist system" hidden anywhere in the world? Who can be sure of the existence of such a system?

5. Personally I do not agree with Wei Jingsheng on a number of things. But as Comrade Xu Shu points out, it is indiscreet to prosecute and punish expressions of opinion. And I should like to add that if our court is not a court of Inquisition, how could arguments about such questions as one's understanding of and attitude toward a given ideology and the implications of one's opinions be permitted in the court? If expressions of opinions other than libel, slander and physical violence are prosecuted and punished, such prosecutions are contrary to Marxism, contrary to socialist democracy, contrary to the basic principles of proletarian dictatorship and unbecoming of the leadership of the Communist party. If there are people who believe punishment of the expressions of opinion is conducive to stability and unity, I am sure that what they get is not Marxist stability and unity, nor socialist stability and unity, nor the kind of stability and unity which strengthen the proletarian dictatorship, and certainly not the kind of stability and unity compatible with the leadership of the Communist Party. In other words, that is not the kind of stability and unity which they, the people, want. On the contrary, future events will prove that this kind of "stability" and "unity" is a sign of instability and disunity. Should we allow it to take place (recur)?

6. Comrade Xu Shu says the court's decision of Wei Jingsheng's case is solemn and severe. I think it is severe but *unjust*, as indicated by the title of Comrade Xu Shu's article "An Unjust Conviction."

What Beijing Folks Say about Wei

By XIE XIANGZHI

From *Zhengming* (Hong Kong), 1 November 1979

When I went to Beijing in October [1979] to visit my relatives, it happened that Wei Jingsheng and Fu Yuehua were on trial. While in Hong Kong I heard about their celebrated names. This year they have become personages in the news, attracting international attention. Naturally I have taken an interest in them.

In the second evening after Wei Jingsheng was sentenced, several young people came to the home of my cousin. These young people are interested in affairs of state and often go to the Xidan Democracy Wall to read the posters. We sat close together and our topics centered on Wei Jingsheng as if by prior agreement. Anxious to know something about Wei Jingsheng, I took the chance to inquire about him.

Wei's Family Origin

"Is Wei Jingsheng a worker?"

"Yes, he is an electrician at the administrative office of the Beijing Zoological Garden. Once he was a soldier," a young fellow told me.

"Who are his parents?" I asked.

"Cadres, quite senior."

"Senior cadres?" I was astonished. "Senior cadres generally have prerogatives, don't they? Then why did he write articles saying: 'The tragedy is that in our people's republic only those who lead leisurely lives, eat to their full and do nothing but read books and practice calligraphy have the controlling power. Can it be said that the people do not have every reason to wrest power from the hands of these lords?' Does he want to call on people to seize his power? Does he himself dislike prerogatives?"

"Humph! Had Wei wanted to fight for prerogatives for himself he would not have written such articles," another zealous youth said to me in retort.

I felt that my question must have been impertinent. I hastened to change the subject. "Wei's parents are senior cadres. Since his childhood, he has been nurtured and educated in Marxism-Leninism. How is it that he has departed from the classics and rebelled against orthodoxy?"

An "Old Red Guard" Who Was Once Imprisoned

An experienced and prudent youth answered my question. "There is nothing strange about it. Children of senior cadres have embarked upon this road. Don't you know that Yang Guang, Liu Jingsheng and Ren Wanding who were under arrest around the time of Wei's arrest are all children of cadres? Wei Jingsheng may be a typical example. As I have heard, at the early stage of the Cultural Revolution Wei

Jingsheng was an 'old Red Guard.' He was then in his teens. With his mind confused and poisoned by the 'theory of blood lineage,' he considered himself 'born Red' and 'revolutionary by nature.' Like most of the 'old Red Guards' he rebelled, destroyed the four olds, searched people's houses, confiscated their property and beat them up. They were fanatic worshippers of Mao Zedong Thought. However, three or four months after they made 'revolution' and 'rebelled,' the Central Cultural Revolution Group suddenly issued an order saying that the old Red Guards were carrying out the reactionary line of the bourgeoisie and must be criticized.

"It was a head-on blow to them. It suddenly sobered them up. 'You let us rebel, yet now you accuse us of carrying out the reactionary line of the bourgeoisie!' This made a number of old Red Guards embark upon the road of 'rebellion.' Judging from China's younger generation, those who are the first to 'rebel' are precisely the old Red Guards who were the most fanatic and devout at the start.

"After they were abandoned by the Central Cultural Revolution Group, these old Red Guards set up an organization called the 'United Action Committee' toward the end of 1966. They wrote posters against the Central Cultural Revolution Group and sent out handbills lashing out at Jiang Qing. They organized people to lash out at the Public Security Ministry six times in their attempt to rescue their comrades of the 'United Action Committee,' who were imprisoned by the ministry. I have heard Wei Jingsheng was a member of the 'United Action Committee' and was once under arrest. All members of the 'United Action Committee' who had been arrested were set free on 22 April 1967. Thus, Wei Jingsheng was not long in prison that time. He was imprisoned for about 3 months.

Publication of *Exploration* Started

"Thereafter, he remained an 'idler' and was no longer throwing himself into successive 'struggles' and 'movements' in society. Wei read many books at home. Since his parents are senior cadres, they have many books and materials at home. He read the classic works of Marx and Lenin. He also read Western bourgeois classics and many modern works. This is the ideological background which made him rebel against orthodox teachings."

"It looks like Wei's thoughts of rebellion against orthodox teachings took shape long ago."

"Right."

"When did he write those articles rebelling against orthodox teachings?"

"I am not clear about the exact time. His 'The Fifth Modernization' appeared on Xidan's Democracy Wall last December. *Exploration* had not yet begun publishing at that time."

"When was *Exploration* started?"

"On 9 January this year [1979]. Its first issue smacked of

rebellion against orthodox teachings. I remember that the foreword to the periodical said in clear terms: We do not recognize certain theories as absolutely correct, nor do we consider certain people to be absolutely correct."

"Do you have the full text of its foreword? I am eager to read it," I asked him.

The young fellow fished out a notebook from his pocket and, thumbing through it, said to me: "Maybe I have copied it

"In criticizing Deng Xiaoping, Wei went too far."

here. Let me see." Soon he found it and passed it to me.

I took it and read it carefully. The foreword sets forth four aims of the magazine:

1. Take the freedoms of speech, publication and assembly bestowed by the constitution as the guiding principle.

2. Strive to take the reality of past records of China and the world as the basis of exploration. We do not recognize certain theories as absolutely correct, nor do we consider certain people to be absolutely correct. All theories including the existing ones and those yet to appear are the objects of our discussion and may serve as the tools of analysis and exploration.

3. Our basic orientation is to become one of the spokesmen for the common people who suffer hardships and calamities and to find out the cause of backwardness of the Chinese society. Only by letting the vast majority of the common people who are powerless and badly off speak out, is it possible to discover the cause of our backwardness and the way for us to shake it off. Such a way is the truth our publication is attempting to discover.

4. Our publication is prepared to serve the field in which people explore social problems without restraint and is opposed to any coarse invectives. Our publication grew up in the tide against bureaucratic politics during the Cultural Revolution and in the tide of the Xidan Democracy Wall against autocratic rule. We oppose any utterances and theories that uphold bureaucratism and dictatorial fascism and we reject the right of those who do not give or are not prepared to give freedom to other people to express opinions freely.

Big-Character Poster Criticizing Deng Xiaoping

While I was carefully reading the "foreword," these young people chatted together. One said: "At the time Fu Yuehua was under arrest, Wei Jingsheng made some desperate efforts to rescue her. Unexpectedly, he was sentenced ahead of Fu Yuehua."

"Oh, yes," another said. "He and the reporters of other people-run publications went to the Public Security Bureau to make representations. Later, he put up a big-character poster on Democracy Wall lodging a protest with the authorities."

"Wei Jingsheng did go too far in some respects," still another one spoke out. "Remember his big-character poster put up this March criticizing Deng Xiaoping? Without sufficient grounds he arbitrarily said Deng was a careerist worming his way into the people's confidence."

"Did he write a big-character poster criticizing Deng Xiaoping?" I asked.

"Yes! On 16 March this year Deng Xiaoping made a speech putting forward the 'four upholds.' Furthermore, he mentioned: 'Without Chairman Mao there would have been no new China.' Wei Jingsheng wrote a poster forthwith, expressing his objection. The title of his article is 'Democracy or New Dictatorship?'"

At a time when the people universally demanded that the cause of China's backwardness over the past 30 years and the crimes committed by Mao Zedong against the Chinese people be discovered, he was the first one to jump

(Continued on page 25)

PUZZLE, continued from page 12

Exploration was published for only four months—from its inception in December 1978 to the day of Wei Jingsheng's arrest. Wei Jingsheng himself contributed no more than five or six articles. Yet newspaper propaganda has inflated its influence so much out of proportion that it gives the public an impression that unless this pernicious publication is immediately wiped out it would rock the foundation of the proletarian dictatorship led by the party and the fabric of the socialist system. Just imagine, Karl Marx took 40 years to complete his *Das Kapital*, the "Bible of the working class." After analyzing the origin, development and decline of the capitalist system, Marx arrived scientifically at the conclusion that "class struggle will lead definitely to proletarian dictatorship." Yet after 100 years capitalism still has not disappeared from the face of the earth. Can anyone say that Wei Jingsheng's articles are more powerful than Marx's *Das Kapital*? So I should like to point out that this is not the charge for which Wei Jingsheng is convicted.

If all these are not the real reason for the conviction of Wei Jingsheng, what is it then? I have no intention to impose my views on anyone else, but would like to express my own observations.

Wei Jingsheng has been convicted not because he leaked "military information" or slandered party leadership. The main reason for his conviction is that his writings have violated the "taboo" of certain leaders. Viewed in the light of over 2000 years of feudal rule, especially the feudal fascism of Lin Biao and the "gang of four" and the current prevailing feudal atmosphere, his writings practically affronted the supreme ruler, a capital crime punishable by death. (No death sentence is merited because the times have changed.) This, however, poses a different question. Since the downfall of Lin Biao and

Wei was convicted because he violated an ancient taboo.

the "gang of four," our rejuvenated party has set up a system of law to bring order out of chaos. Is this system of law really supreme as declared in the National Day slogan that "all men are equal before the law"? Or, are there still some who are above the law and trample upon the constitution at will to make law serve their personal interests? I don't want to jump to premature conclusions, because they won't do me any good. Moreover, I want to let time bear out my reasoning and answer these questions. ...

Time is the most impartial judge

Finally, let me say something to those who feel so elated by the conviction of Wei Jingsheng as to scream in joy. When you read what I have said above, I am sure you will curse me and accuse me of defending my friend Wei Jingsheng. I swear by my honor (perhaps you people do not know what honor is, or might have lost it) that I have nothing to do with him. I have never spoken to him or seen him. The reason I take the risk to call for a redress of the case is that as a Chinese I have to do what the revolutionaries of the older generation taught us: "Don't stop using your head as long as you live." I want to speak out for our fatherland, the happiness of our future generations, and uphold the best qualities of us Chinese, who are hardworking, courageous, and upright. Copernicus said: "The duty of man is to seek truth." ... ■

ENLIGHTENMENT

By Liang Qi

From *Enlightenment*, 29 January 1979

You—
The blazing torch,
Held high in exploration.
On the great Chinese earth,
It's blossoming
At the end of 20th century
a beautiful flower.

Wake up!
Wake up quickly,
Our motherland,
That ancient slumhering living body.
Enchanting stars are rising,
And in the ruins of autocracy
Visible tracks have been made.

Do you still need to grope about?
Oh, no.
Enlightenment—is itself full of poetic charm
And leaves deep imprints on our minds.

You—
Like a whirlwind and raging waves,
Face the naive and ignorant. . .
The feudal autocracy,
And pound at it inexorably.

You—
Like thunder and rain,
The symbols of freedom
Sweep away the dust
And lift the darkness.

Oh—
Your banner is fluttering.
What a wonderful sight!
Call out for mankind,
Democracy—human rights.

Enlightenment—
Your stirring opening song,
Cursed by all autocrats.
Perhaps,
Because it has pounded at
The fetters of religion and autocracy.

Perhaps,
You have been too ruthless
In destroying prejudices,
Superstition and narrow-mindedness.

However,
Is this not justified?
When lies and fallacies are crowned as truth,
Deception and cruelty are locked in an embrace,
People's rights—"more worthless than trash"
People's dignity—all defiled;
Law courts seem nonexistent
And truth stands mute.

Oh—
How unbearable!
I wish there were
Voltaire, Diderot and that
Great Goethe.

Think—
And think carefully,
You idols of clay.
Truth and human rights are there
With hope and democracy.
How do you like to be replaced?
Can there still be
Dogma, bible, autocracy and ignorance,
Or feudal, royal rights?

No.
Rise!
With your tears and bitterness,
Engulf the century in your bosom,
With your people's will,
Practice your Constitution.
With your national spirit,
Inspire every true man.
With your forthcoming democracy,
Welcome the Four Modernizations.
Only Enlightenment
Has significance today.

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Modernization
China's H

Human Rights Movement 1978-1979

Edited by James D. Seymour
Introduction by
Mao Huang and James D. Seymour

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The More the Better

By Chun Si

From *Exploration*, 29 January 1979

Eight hundred years ago, Qin Kuai, Premier of the Southern Song Dynasty, arrested Yue Fei, a field commander engaged in bitter campaigns with the enemy, and was about to put him to death. When Yue Fei asked what the charge was, Qin Kuai replied: "There needn't be any." Eight hundred years later, also in China, a party secretary, lying flat on his back on a fashionable sofa enjoying the service of young woman "service personnel" massaging his feet, heard a knock on his door.

"Come in!" shouted the Secretary, his staring eyes sweeping around. "Yes, Sir!" said a public security bureau chief as he entered the room with a black leather briefcase held close to his buttock. "How many are we going to arrest?" asked the bureau chief.

"Not too many at first," groaned the Secretary. "Hum, too easy on those young fanatics. That's because they have the hacking of people in high positions. They have the gall to call those reactionary large-character posters 'democracy!'"

"Democracy? Hum," snorted the bureau chief. "How much money is one *jin* of democracy worth? Can we call them active counterrevolutionaries?" suggested the bureau chief to seek approval. "We can also add 'antisocialism, anti-Marxism-Leninism and Mao Zedong Thought.' On top of that, 'collusion with foreign countries to bring disgrace to the country.' Talking to foreigners! What a national disgrace!"

"Excellent charges! Great! High level stuff!" said the Secretary, and gave the bureau chief a gesture to sit down. "They post reactionary handbills, and maliciously attack our great leader, Chairman Mao. . ."

"We won't be able to get anywhere without Chairman Mao!" said the bureau chief tensely as he stood in anger with beads of sweat on his forehead. "I believe we can accuse them of attempting to assassinate Chairman Mao, can't we. . .?"

"They attack the party, they attack the people," the Secretary spouted eloquently, "they attack the superiority of socialism, and spread slanderous rumors. They march in droves, chanting slogans, inciting the masses, and fermenting discord at all levels. They are extremely vicious and reactionary. . ."

"We can also say they manufacture weapons, stage armed riots, and kill Central Committee leaders. They steal!"

"That's right. They also beat people, block traffic, rape women, set fire . . . burning ten people to death!"

"Twenty people . . . sounds better, what do you think?" the bureau chief took his seat slowly.

"Of course! They also assemble defiantly to disturb public peace. They secretly listen to enemy broadcasts from the Soviet Union and Taiwan."

"Mr. — Secretary," the bureau chief hesitated as if confused, "Will the charges be the same as those brought against the last bunch? That is. . ."

"Damn fool!" The Secretary suddenly lifted his head from the sofa, kicked the woman "service personnel" to the corner of the room, and screamed with a rain of saliva: "The more the better, the more the better, each time more than the last!"

“Unjust,” continued from page 12

of the *Ming Bao* were allowed to witness the trial. What the Intermediate Court has done in this case really leaves much to be desired.

Now let me get to the conviction. We believe the seriousness of Wei Jingsheng's case had been blown out of proportion before he was tried. Now he is sentenced to 15 years imprisonment and stripped of political rights for three years after he serves his time. The sentence is “solemn and severe but unjust.” Consequently we have to offer a few comments.

We are warned that anyone defending Wei openly would be considered his sympathizer if not collaborator. No wonder Wei Jingsheng did not and could not get a defense lawyer.

The warning, however is sugar-coated with a statement: “The constitution of our country protects the democratic rights of the people to criticize the work the government does. The people's government welcomes criticisms by the people and has the courage to conduct self-criticisms.” That's great, but if the court does not allow anyone to assess or analyze its decision, how could the people, the masters of the state, supervise the performance of the public servants?

Fortunately Jinshen [Wei's pen name] called us a sounding-board of the Central Committee in his article “The Fifth Modernization.” As a matter of fact, our article “The Most Urgent Matter” was published before Vice Chairman Deng spoke about the matter, but we knew nothing about it beforehand. Furthermore, we had a heated argument with *Exploration* in mid-March about the current situation. On March 28 we published another comment on an article published by *Exploration* on March 25. Unfortunately Wei Jingsheng was arrested on March 29. So, numerous young people believe we have contributed to his downfall. . . .

Now I am going to comment on Wei Jingsheng's conviction according to information made available by the *People's Daily*.

I

We think the information on the military situation which Wei Jingsheng gave out does not constitute a disclosure of top secret military information to foreigners.

(1) There is no solid evidence to prove that the military information disclosed to the foreigner is top secret military information. It is ridiculous to regard such matters as the name of the commanding officers, the number of troops and casualties released four days after the outbreak of the war as top secret information. It is shocking for the court to brand such information as top secret in this age of satellites and computers. Court decisions must not be based on emotion issues. Moreover, the court did not have evidence to prove that the military information disclosed by Wei Jingsheng is actually true.

(2) There is no evidence to show that Wei Jingsheng had stolen or obtained the information by clandestine means. Wei is a worker. Although his father is a mid-level cadre, he and his father have never held any military positions. Nor have they stolen the information. Wei learned about it from someone else. Consequently, the person who gave out the information should be held liable. Should any person who heard it be liable? Certainly not.

(3) It is a crime “to furnish intelligence information” because, as the court has pointed out, it amounts to furnishing the enemy with the information indirectly. But the court did

not produce evidence to show this foreigner has turned over the information to the enemy. It is revealed that this foreigner has turned over to our people the tape recordings of the information in question. So, Wei Jingsheng is not guilty of providing the enemy with information. The foreigner is actually guilty of prying for military information.

(4) According to newspaper reports, this mysterious foreigner asked Wei Jingsheng to report on the military situation orally for recording. He did not want Wei to put it in writing. Could this be a trap? Should matters as shoddy as this be brought to the attention of the Chinese people? Should innocent young people be put on notice against this kind of operation? Yet the court did not prosecute this foreigner, and even refused to disclose his name and nationality. Should the crime of harboring a foreigner who pries for military information be punished?

According to the author of “Spectator's Notes,” Wei talked about being “short of money” (“short of money” describes the condition of all the unofficial publications which enjoy nominal constitutional protection but do not enjoy substantive material support) immediately after he had discussed the self-defense counterattack at the Sino-Vietnamese border. This leaves the impression that Wei Jingsheng traded “secret information” for “money.” But the court and disrupt its proceedings? This is ridiculous. Those the gimmick of the “Spectator's Notes” does not hold water.

Nevertheless, Wei Jingsheng was wrong in disclosing military information to a foreigner. As far as we know, he did it because he was opposed to the self-defense counterattack at the Sino-Vietnamese border. This means he did it for political reasons.

We think Wei Jingsheng and his associates are indiscreet in opposing the self-defense counterattack at the Sino-Vietnamese border. Frankly speaking, the war was meant partly to assist the Pol Pot regime, but mainly to protect our own borders and the lives of the people in the area, and to support the Cambodian people's just struggle against Vietnamese invasion to stop Vietnam from becoming the

If military secrets had been involved, the person who gave them to Wei Jingsheng, rather than Wei himself, should have been prosecuted.

“Cuba of Asia.” Therefore it is a just war. However, we do not agree that we should help the Pol Pot regime unconditionally. Since the regime came to power, Pol Pot and his followers have killed nearly a million people and hundreds of thousands of overseas Chinese. Should all the bourgeoisie be killed? They are worse than the “gang of four.” Should we assist them simply because they are communists? If we are so indiscriminate, we should not even have opposed Hitler's “national socialism.”

Now the Vietnamese forces have invaded Cambodia and set up a puppet regime there by brutal force. This brings about a far-reaching change in the entire situation, according to unanimous impartial world opinion. Facing a threat to our own borders and as Pol Pot and his followers are still fighting

to save the Cambodian nation and defend the rights of the people, we are obliged to do our share under internationalism. Wei Jingsheng has the right to view the problem differently. But he should not have indiscriminately revealed information about the military situation to a foreigner, resulting in making the mistake of disclosing military information.

II

We think Wei Jingsheng's views expressed in *Exploration* are opposed to Marxism and contrary to the constitution of our country. But these are questions of ideology and understanding.

(1) *Exploration*, edited by Wei Jingsheng, is basically opposed to subscribing to any ideology as a guiding principle. They claim that they have never studied Marxism and do not intend to. This, however, could be refuted by the development of socialist enterprises in the last few decades.

(2) *Exploration* attacks the feudal autocracy of the "gang of four" as if it were scientific socialism. It criticizes bureaucratic privileges due to organizational drawbacks as if they were problems inherent to the socialist system.

Exploration's opposition to Marxism, proletarian dictatorship and the socialist system is indiscreet and irresponsible. But to act in contravention of the constitution is not a crime. Wei Jingsheng and his associates are the children of party cadres. They are young workers born and brought up under the red banners of socialism. Why are they so opposed to the basic principles laid down in the constitution? Is it because thirty years of socialist revolution and construction have failed to achieve high level productivity? Is it because the fraudulent practices of socialism by Lin Biao and the "gang of four" have left the people with a bad impression? Is it because bureaucratic privileges still exist in our society? Is it because the young people have not been given an effective ideological education all these years? (As a matter of fact, young people in their twenties know very little or nothing at all about the "Provisional Rules Governing the Protection of State Secrets" and "Regulations for the Punishment of Counter-revolution" promulgated in the 1950s. Once the new criminal

"Party members are permitted by the party constitution to air their views and make proposals at party meetings. It is also legal for them to express their views in written form. Therefore, to label party members who have aired their views or made proposals with regard to the Three Red Banners as "anti-party" and dismiss them from office runs counter to the principles of our party and only serves to broaden the scope of the class struggle."

—Zhang Zhichun

Note: The above is taken from an essay by Ms. Zhang, a well-known Chinese martyr. The essay was reprinted in Beijing Spring, 28 September 1979. JR4909

Gorki wrote about a trial at which the court room was packed with spectators organized by the authorities.

law takes effect on 1 January 1980, will these regulations of the 1950s which very few people know still remain effective?)

As far as we know, the original membership of *Exploration* is no more than five people, including Wei Jingsheng himself. The editing, printing, sale, distribution and posting of *Exploration* are but an extension of their ideological activities. It must be pointed out that when a dedicated thinker discovers anything wrong in a social institution, he will either reform it or get rid of it. As long as he does not stage an uprising or resort to force, he is not criminally liable for strikes and demonstrations. This is well understood by people who have a good knowledge of international communist movements. Consequently, the case of *Exploration* must be handled cautiously. To punish people for expression of opinions is being just as indiscreet as *Exploration* has been. Furthermore, the mere extension of a mistaken idea does not constitute a counterrevolutionary act. If this were severely punished, what would happen to the legal validity of the abolition of "ideological crimes" and criminal prosecution of expression of opinions championed by our ideological, journalist and legal circles, and voted by the Second Session of Fifth National People's Congress?

If Wei Jingsheng deserved fifteen years imprisonment for his errors in ideology and understanding, would the "gang of four" deserve 1500 years imprisonment? The part they played in the April Fifth Incident to persecute Comrade Deng Xiaoping and to suppress the revolutionary youths was malicious enough to justify a death sentence. (The number of people killed at the Tiananmen Incident is still a mystery. Should it remain a mystery forever?)

Mr. Bhutto, former premier of Pakistan, was hanged for plotting assassinations. Unfortunately, our people have learned that the "gang of four" will not be sentenced to die even before they are tried in open court. Wouldn't it look better if they were convicted and sentenced to die by the judiciary and then let the National People's Congress commute their death sentence on the ground that they are political offenders? By comparison, the severe punishment meted out by the court of Wei Jingsheng exceeds by far the significance of the case.

In conclusion, since the "gang of four" are not to be sentenced to die, fifteen years imprisonment for Wei Jingsheng is too severe. In view of the facts of the case, the decision is unjust. In reality, committing Wei to education without imprisonment is good enough.

These comments are offered for the judicial authority of Beijing to consider and for our comrades to criticize.

Comrades:

The Chinese people are no longer so stupid.
The Chinese youth have awakened;
They are the hope of the country.

April Fifth Inaugural Statement

The April Fifth Forum was formed in 1978 through a merger of April Fifth News and People's Forum. The following is the inaugural statement of the new organization. It was originally published in the No. 1 issue (December 1978), and was republished in No. 8 (April 1979).

Within an area of 9.6 million square kilometers in China (Taiwan Province not included), there is as yet not a single nongovernment newspaper.

Opposites depend on each other for existence, though they also struggle against each other. This is the law of the unity of opposites and a basic Marxist law. This is the theoretical foundation for the emergence and existence of *April Fifth Forum*.

Real freedom of speech can be best manifested in some immortal literary and art work, though unfortunately, during the 29 years since the founding of the People's Republic, no such work has been written or published. However, a more permanent result of the freedom of speech is continued social stability and prosperity.

The principle of *April Fifth Forum* is to create a lively political situation in China to the best of our ability. Stability and unity do not mean a stagnant pool of water or forbidding people to speak, particularly to speak the truth. If everyone dares to speak up, there will be no hiding place for filth, and people's will will have a decisive influence on social destiny. Only this can be genuine democracy. Briefly speaking, *April Fifth Forum* wants people to exercise that power of supervision and management given them by the Constitution, in order that the Constitution, instead of remaining on paper, will become the foundation of the existence and development of Chinese society. Those comrades who are accustomed to one set pattern of government should gradually become accustomed to the spectacle of pluralistic struggles so that they could compare them and select the most scientific, progressive and bright shortcut to the realization of the Four Modernizations. Only thus can they fit in the world's progressive current.

Even an ordinary person has the responsibility for the state's welfare. Comrade Mao Zedong has said: "The world is our world; the state is our state, and the society is our society. If we don't speak up, who will! If we don't act, who will!"

A democratic, free and prosperous China is right before us!
JR3987

ANOTHER VIEW

"The ugly souls who use the human rights issue as a pretext to create confusion are stupid and degenerate."

Article in *Legal Studies* N79 by
Wu Daying and Liu Han, JR5422.

"APRIL FIFTH," continued from page 1

history shows that China had many private newspapers before. We felt that this was a gap that needed to be filled. A private newspaper can express the people's wishes from various angles and can make our social and political lives more meaningful. It is therefore highly necessary to complement the party-run and government-run newspapers with private newspapers which can reflect the people's demands and wishes.

We also considered it necessary to run a private newspaper for the people to reflect their demands for democracy, for a legal system, and for social transformation as well as their aspirations for perpetuating that democratic movement. A private journal can play a useful role in revitalizing our political life and in putting into practice the Marxist law of the unity of opposites. The unity of opposites or the unity of two contradictory aspects was a theme repeatedly stressed by Marx during his lifetime. Things can develop only through struggle. If we emphasize only the role of the party and government, the role of the people will be ignored. This gap can be closed by running a private newspaper.

Only by working together to improve each other and by overseeing each other's performances can we revitalize our political life. This was what I personally thought before this private newspaper was inaugurated.

As far as the practical conditions are concerned, we felt that it was inconvenient for the people to spend a lot of time before that cold Democracy Wall conducting discussions, pasting up and reading big-character posters, which cannot be regarded as an effective medium. Our newspaper was also born out of a strong desire to meet the needs of current political struggles and to turn the poster into a more effective mass medium. This thought of mine was also shared by many other youths because they too had explored the possibility of running a private newspaper. There was a *November Twenty-fifth Forum* on the Democracy Wall. On 26 November, I posted a copy of *April Fifth Paper*, predecessor of our *April Fifth Forum*, on that wall. Later, a number of friends and comrades joined us in inaugurating the *April Fifth Forum*. So far, ten issues have appeared.

Q: What is the size of your staff?

A: In the beginning, our staff consisted of only four people, two each from the *April Fifth Paper* and *People's Democracy* which were merged into *April Fifth Forum*. Later, we met more comrades on occasions of democratic discussion and at other discussion meetings. Today, our staff has swelled to over 20.

Q: What is the range of your ages and what are your regular occupations?

A: Our staff members are mostly workers from various factories and from the grass-roots levels of society. Their ages range from 22 to 36 and their average age is 30. We have also employed some writers who are not part of our editorial staff and who have contributed articles to our newspaper. Their ages are older. A few are older than 40. In short, the main force of our newspaper staff is workers and young teachers.

Q: Are there any Communist Party and Communist Youth League members among your staff members?

A: Our staff consists of Communist Party and Communist Youth League members, technicians and Communist Youth League cadres.

Q: What are the main contents of your paper?

A: At first, our paper contained two categories of articles, namely, those emphasizing the protection of the people's basic rights, especially the right to freedom of speech, and others stressing the need for a profound transformation of our political and economic structures essential to the realization of the Four Modernizations in China. We felt that on the eve of our social transformation, many imperfect systems have prevented our society from moving forward. For example, in the past, greater attention was paid to the transformation of the relations of production. But the need for spurring the development of productive forces was neglected. In other words, we ran the economy in a way compatible with the economic laws. The result was that without giving prior considerations to the need for boosting the productive forces to a desirable level, the intermittent transformation of the relations of production had proved ineffective in promoting their development.

On the other hand, there were defects in our political system. For example, there has emerged a bureaucratic stratum in our socialist country. How could this occur? What remedial measures can be taken to prevent it? Lin Biao and the "gang of four" were the most notorious and noxious representatives of this bureaucratic stratum. Other bureaucrats were not as bad as they were. All this should be attributed to our imperfect, unhealthy and unscientific systems, which have given rise to the following questions: What caused the "gang of four" to rise to power? Why was nothing done to prevent the emergence of bureaucracy? Is there any guarantee to prevent their reemergence and make the laboring people the real masters of their own country?

Our newspaper will stress both political and economic aspects in an effort to enhance our social transformation. We and our state leaders see the problems from different angles because we live at the bottom of society and they rule from the top. But we look forward to cooperating with them, and assisting them in resolving the problems facing China.

We are worried about the future of our country and its development. In our own language, we are really concerned about our country and people, the slow development of our country, and the low living standards of people, especially peasants. Our Chinese people are as intelligent and industrious as any others. But why are they falling behind others? We want to find out this reason and solve this question.

Q: Do you have comments on the freedom of speech and freedom of the press?

A: Since its founding, the people in our republic have been entitled to freedom of speech and freedom of the press. Our Constitution proclaimed in 1954 and its succeeding revised versions explicitly stipulate that citizens enjoy freedom of speech and freedom of the press. But this is only a statement of a general rule or principle which needs laws and institutions to back it up and put it into effect. A mere piece of paper cannot guarantee freedom of speech and freedom of the press. Just as the general public had pointed out, they exist only on the paper and cannot be put into effect. The struggle inside the party has been very complicated. When the good leaders were in power, the people could enjoy freedom of speech to a certain degree. But when Lin Biao and the "gang of four" rose to power, the people were deprived of freedom.

The people could not defend their freedom of speech and freedom of the press because they had no legal basis to back them up. In the absence of constitutional clauses detailing people's right to freedom of speech, no one knows what to say and what not to say. Likewise, in the absence of a publication law, no one knows what to publish and what not to publish. In other words,

We are worried about the peasants' low standard of living.

so far we still have no laws guaranteeing the people's freedoms. For example, our well-known former supreme commander Peng Dehuai was a man who did everything for his country and people. But finally, he was wrongly charged and attacked for no other crimes but serving the people's interests wholeheartedly.

As far as freedom of speech and freedom of the press are concerned, there is no firm guarantee from inside and outside the party. Although the party often promises the people freedom of speech and freedom of expression, once they really exercise it, they may get themselves into trouble.

This was why freedom of speech became empty talk when Lin Biao and the "gang of four" were in power. The Chinese people, known for their prudence and cautiousness, seldom express their aspirations and demands in an explosive manner. The loopholes in our legal system must be overcome in order to provide the people with legal protection. We can foresee that the possibility of realizing freedom of speech and freedom of the press is not great. Freedom of speech and freedom of the press may gain momentum if our leaders are open-minded. Otherwise, they would be suppressed.

Q: Do you think absolute freedom is possible?

A: Personally, I don't think it is possible, because ruling classes in every society at all times want to enact laws to protect their interests and want to decide what freedoms can and cannot be tolerated. For example, when our Deng Xiaoping visited the United States, some anticommunists who chanted hostile slogans at a ceremony welcoming him to the White House were arrested by American police. This indicated that absolute freedom was not tolerated even in the United States. But these slogan-chanters might not be arrested elsewhere even if they shouted anticommunist and anti-China slogans. Facts show that freedom of speech is restricted everywhere. Our system must give people maximum democracy and maximum freedom. But they cannot demand absolute freedom.

THE APRIL FIFTH MOVEMENT

Some people have said: "The main purpose of the 1976 revolutionary movement at Tiananmen Square has already been achieved." They seemed to tell people: Your "democratic movement" can now be concluded! We say it cannot be concluded because, up to now, socialist democracy and the legal system in China are still far from perfect. People must have certain democratic rights and it is only natural that people should exercise these rights fully. Until then, how can the movement be concluded?

—April Fifth Forum, 1 April 1979, JR3987

Q: Some Western newspapers reported that the Chinese youths have demanded Western-style freedom and political systems. Do you care to comment on that?

A: This judgment came from some Western correspondents and scholars who did not know much about China. I want to say that foreign experts on China are as rare as the Chinese experts on foreign affairs. Because they could not correctly understand China, their judgment on this matter was far from accurate.

A human rights organization appeared in China during the democratic movement.² Foreign correspondents who noted this organization assumed that it was similar to its counterparts in the United States and the Soviet Union. Actually, this assumption was wrong. Some of our leaders who failed to study its nature made the same misjudgment. There are great differences between that organization and its foreign counterparts. For example, the leaders of the human rights movement in the Soviet Union are well-educated intellectuals and enjoy high popularity with the people in society, while the leaders of the Chinese human rights organization are ordinary workers and people from the grass-roots level units whose knowledge on the theory and concept of human rights is very limited. The "human rights" slogan was a product of the bourgeois democratic revolution. Our young generation is not familiar with the theory of human rights and has mistaken citizen's rights for human rights. I personally disagree with suggestions from the Chinese human rights organization, which are incompatible with our national aspirations.

Q: Can you elaborate on the suggestions disagreeable to you?

A: For example, it demanded that China open its borders. This is unrealistic. It is impossible for China to open its borders. In the north, there is a heavy concentration of Soviet troops along the China-USSR border. There is the Kuomintang regime hostile to us across the Taiwan Strait. For this reason, it is impossible for China to open its borders. The members of that human rights organization also blindly demanded inalienable human rights and opposed birth control. This was wrong. Our population has grown to 2 billion and has created a heavy burden on our economy as a result of our failure to observe birth control. Any opposition to birth control and family planning, and any failure to curb the

The ruling classes in every society always want to protect their interests, and decide what freedoms can and cannot be tolerated.

population growth are neither in the interests of the overwhelming majority of the Chinese people nor compatible with our national aspirations. These human rights slogans were a gross disregard of the Chinese people's aspirations and wishes.

Some of our leaders who devoted no time to studying its nature also failed to draw a distinction between the Chinese human rights movement and its counterparts in other parts of the world, especially in the Soviet Union. President Carter has shown himself a skilled player of the human rights card since the establishment of diplomatic relations between the PRC and the United States. We hope that those naive youngsters will refrain

from talking about this subject which may place our country in an awkward diplomatic position. Only by doing so can we maintain our national dignity. During the more than ten years of the Great Cultural Revolution, our citizen's rights were trampled under foot. For this reason, one cannot say that those young people's demand for human rights was entirely unreasonable. Problems do exist. The truth is that the subject of human rights is also a topic in the Marxist works. In a progressive society, the basic human rights should be preserved and safeguarded. It can be said that the problems arose from the inappropriate presentation of the human rights movement by some immature youths and from leaders' failure to study and achieve a clear understanding of it.

Those who launched the human rights movement are not a force to reckon with, nor could they represent the mainstream of the democratic movement.³ The main force of the democratic movement is private newspapers or civilian organizations. Foreign correspondents who did not understand the situation in China well have concentrated their attention on the human rights movement launched by immature kids rather than on private newspapers and civilian organizations which represent the mainstream of the democratic movement. They have actually committed a mistake.

Q: Should the members of the human rights movement enjoy freedom of speech?

A: As far as the ideological and exploratory subjects are concerned, they should enjoy freedom of speech. Although they presented their movement in a wrong way, they should not be deprived of rights to think. Incorrect ideas cannot be suppressed by coercion but can be converted into correct ones through debate. It is wrong to treat as enemies those who harbor incorrect ideas. But some of them have committed crimes and violated laws. If they have committed crimes, broken laws and maintained illicit relations with foreign countries, they should be treated as criminals. As long as they do not violate laws, they should be given rights to express their thoughts. I do not understand why a country dominated by the correct Marxist ideology is so fearful of incorrect ideas.

Some people in foreign countries have speculated that the youths in China are longing for the Western way of life. This speculation is not correct. It may stem from foreign correspondents' misunderstanding of the situation in China. At least I can say that the overwhelming majority of Chinese youths do not want to turn the public ownership of the means of production into private ownership again and oppose the return of landlords and capitalists to Chinese society. Nor do they want our officials to become landlords, capitalists and privileged bureaucrats. After knowing this truth, one may have a clearer understanding of the democratic movement in China.

The essence of the democratic movement in China is a call for putting the Marxist truth into practice in China. Therefore, its general orientation is correct. True, some youths have begun to envy the Western way of life after noticing that Westerners enjoy higher material standards of living and greater cultural freedom. But their knowledge of the Western way of life is very limited. They even did not know that the United States has devoted over two centuries to developing itself into a modern country, while China still has long way to go in modernizing itself. Frankly, one cannot say that everything is good in the West. Some Chinese youths, especially those nearing the age of 20, know almost nothing about Western societies because they grew up when Lin Biao and the "gang of four" were in power, and therefore saw only the dark side of society. But others over 30 just like us are

not so sad as they are, because we saw many good things during the early days of the PRC's founding. Those youths who long for the Western way of life cannot represent the mainstream of the youth movement in China.

While learning from other countries, we must exercise prudence. I think that everyone will agree that we must learn from the West in raising our cultural levels and material living standards. But we cannot accept their bad habits. Therefore, in our search for good things, we must distinguish good from bad. Everything has its positive and negative sides. I advise those youths who are longing for the Western way of life to analyze it first before they can identify the positive side of it. Does anyone disagree that we of the proletariat are also determined to build a society in which the people can enjoy high cultural and material living standards?

Some of our leaders are so incompetent in leading the nation in achieving the goal of better material well-being that they have tried everything possible to prevent the people from yearning for a better life. But it is the people's insatiable demands for a better life that have propelled society forward. Contentment with the

Whether or not we wear bell-bottom trousers is none of our leaders' business.

status quo cannot achieve this purpose. Chinese society cannot make progress if everyone in it is satisfied with coarse bread, pickled and wild vegetables as their daily staple, just as the Chinese people in the ancient times did. The people's insatiable demands for a better life, both culturally and materially, can serve as a force to push society forward. If the people in primitive society were satisfied with wearing leaves, how could the textiles be invented? This being the case, would the people still have had to cover their bodies with leaves today? True, the people's demands can never be satisfied. For example, when they got clothes to wear, they would not be satisfied with the plain cotton dresses. They would keep on looking for colorful and better quality materials for making new dresses.

Without such rising expectations, society cannot move forward. Our individual leaders' incompetence in leading the nation to improve its living standards has created a situation in which the people's demands have been suppressed. The Westerners love wearing bell-bottom trousers. This is their taste. Our leaders should adopt a non-committal attitude toward this matter because this is none of their business. If anyone wants to wear them, he should not be interfered with. Those high-quality bell-bottom trousers are so expensive that few workers could afford them. If they cannot resist the temptation to buy, they may demand a pay hike. This is the reason why our leaders want to ban bell-bottom trousers from our markets.

However, a progressive society must always move to meet the people's demands for a higher form of material and spiritual life. For example, the people demand constant renewal of fashion in dresses. In the past, the Chinese people wore long gowns and mandarin jackets. Now they wear Sun Yat-sen dresses. This reflects progress in Chinese society. In the past, old-fashioned people were always criticized for being too conservative. I don't know why we should become so conservative now. We should help our youths make progress. But while doing so, we must keep an eye on them and prevent them from developing bad habits. The demand for a higher form of material life is justified. But it

should fall in line with China's actual conditions. Generally speaking, many demands cannot be met because China's economy still cannot afford them. Many bad life-styles are not tolerated here. For example, the overwhelming majority of the Chinese people do not approve of young Chinese girls living together with foreigners. They are simply not accustomed to such a lifestyle. This is the reason why our youths are urged to study and analyze the Western way of life before drawing any conclusions about it. As far as I know, many practices considered normal in the West are not tolerated by the conservative Chinese people.

Q: What are official and readers' reactions to your newspaper?

A: Since its inauguration, our newspaper has received neither support nor objections from our high-ranking leaders. Although we have submitted a report and application for registration in the hope of obtaining approval, we have received no response. After our issue no. 5 was sold, we had demanded to pay taxes; this demand remains unanswered. The reason may stem from a lack of a publication law. So far, we have received neither official rejection nor official approval.

Our issue no. 8 carried a report on a visit to us by a few policemen. They inspected our office in a restrained manner. But their inquiry for information on names and employers of our staff then present seemed beyond their authority. It seems to me that police have no right to ask for names, addresses of my guests and their working units.

During their visit, we were also asked to open that small room. It seemed to me that they were suspicious of something unusual in there. As a matter of fact, we had nothing to hide from them. We are open-minded. We hope that this unauthorized visit came from low-level police initiative rather than from directives issued by the high-ranking party and state leaders.

Of course, since the inauguration of our newspaper, we have been bothered by some rumors or speculations. But I believe that this was caused by low-level personnel who were unfamiliar with the related policy and the current situation rather than by actions authorized by the high-ranking party and state leaders. This is the basic official attitude with which we have been treated.

Q: What are readers' reactions?

A: The overwhelming majority of them supported this newspaper. They felt that the Chinese society needs privately owned newspapers. Most of them have praised and even flattered our works. For example, they called *April Fifth Forum* a "disseminator of Marxism and Chinese gospel." Actually, it does not deserve such praise. Our task is to systematically sum up and

I do not understand why a Marxist country is so fearful of incorrect ideas.

publish what has come to our attention and what the masses want us to say. We have done nothing special. Generally speaking, readers have highly praised and endorsed what we have done. Their praise and endorsement will encourage and spur us to move forward.

Some people loved reading our newspaper but were unwilling to buy it. Others were willing to buy it but unwilling to subscribe to it for fear of getting into trouble. It is possible that this lingering fear was caused by Lin Biao and the "gang of four" who

adopted a high-handed policy to suppress people's thoughts. Some comrades have also disagreed with what we have published. We consider this a normal reaction. Letting a hundred flowers blossom and a hundred schools of thought contend is the policy of *April Fifth Forum*, which is open to different views and which is unwilling to allow it to be dominated by a single school of thought. This is why a spectrum of opinions has appeared in our newspaper. The democratic movement also means running a newspaper in a democratic way and tolerating different opinions. Some dissension arose from readers' misunderstanding and misinterpretation of some of our articles. For example, some young comrades had expressed their disapproval of an article entitled "Is the United States a Democratic Paradise?"⁴

Q: What is its content?

A: One critic asked: "If the United States is not a democratic paradise, did you mean that China is a democratic paradise?" Actually, this is not the point of that article. As far as our country's democratic system is concerned, it remains far from perfect. But no one can say that everything American is perfect. As a matter of fact, the American democracy is fraught with hypocrisy and prejudice, and is also far from perfect. What the writer of that article really tried to say was that the American-style democracy is not what the Chinese people really need, and they cannot regard it as a model to be copied by China. Unfortunately, readers of it did not grasp its meaning well. But this does not matter. We feel that it is good to hear different views. More different opinions will appear in our future issues so that readers can judge for themselves what opinions are correct. These are main points contained in letters we have received from readers.

We have also received one or two letters accusing us of staging a rival show in competition with the party and trying to topple it. Yes, we have been putting on a rival show in line with the law of the unity of opposites. How could we deny that? But the allegation that we are trying to topple the party is absolutely not true. In answering letters like that, we had to be more polite and more patient in order to clearly convey our thoughts to their senders. Sometimes we even coupled our answers with the compliment of our publications to enable them to understand us better. But so far, we haven't heard from these critics again. We hope that they can understand us. These are basic reactions from the readers.

Q: Do you have any plans for the future and any hopes?

A: We are determined to carry on the publication of *April Fifth Forum*. This is our hope and readers' too. We have devoted only our spare-time to running this newspaper. It is not easy to run a paper under extremely difficult financial conditions. But we are aware that running this newspaper is in response to a historical call. We have to carry it on. While doing so, we must pay attention to the external and internal conditions. Favorable external conditions means positive answers to the following questions: Does our society approve it? Do our party and state leaders approve it? By now, we have received no indications of their disapproval. If they had disapproved it, we would have been out of business long ago. We feel that we are too weak to be able to withstand any blows. Frankly, if the external strong pressures force us to close down, we don't think that we can resist it. So far, we can foresee no such possibility. One may interpret it as a tacit approval of our newspaper.

Favorable internal conditions means our ability to maintain and improve the quality of our newspaper. To this end, we must continue to study and improve our professional skills. Only by doing so can we maintain its equality. If the quality deteriorates, no one would be interested in reading or buying our newspaper.

This being the case, it would die a natural death. This is what those leaders who do not approve it would be happy to see happen. We would be out of business immediately if we let the quality drop, if we fail to speak for the people. Ours is a business which must be responsible for its own profits and losses. We have no external financial resources. If the people lost interest in it, the newspaper would be out of existence. To prevent it from dying a natural death, we must concentrate our efforts on improving the quality, on studying and analyzing problems. We must also keep in close touch with the masses, and respond to their desires and needs. We are optimistic over our future. Our newspaper is an inevitable product of the world current and a reflection of progress in China.

Democracy is not a monopoly of China but a worldwide movement. The world has progressed where the people's demand for making themselves real masters of their own countries — no

Our operating conditions are very difficult. Basically, we print by hand.

matter whether they are socialist or capitalist — have become so strong that it can no longer be suppressed. Just as America's Brzezinski stated: "Humanity has developed to a point where no one can use his ideas to conquer another man. It is even not easy to use such ideas to persuade him into agreement."

Man is now capable of thinking independently as a result of the rapid development of the material wealth and culture. Democracy is a trend which knows no boundary in the world. As long as China moves forward, it will make a contribution to the world democratic movement. The current national trend in China also indicates that unlike Lin Biao and the "gang of four," our present leaders are well aware of, and would be responsive to, the people's aspirations and demands. China must rely on the intellectuals to realize its Four Modernizations, intellectuals who instinctively favor democracy. Improved education has also led the broad masses of workers and peasants to demand that they be made real masters of their own country. The situation now developing at home and abroad seemingly bodes well for the democratic movement. I believe that as a mouthpiece and spokesman of the democratic movement, our newspaper can continue in operation and will have a bright future. In the future, we will concentrate on studying problems. Only by studying hard can we improve the quality of our newspaper and develop it into an educational publication which will help the ordinary workers and people enrich their knowledge.

Q: What equipment has your newspaper? How and where is it printed?

A: We are operating under very difficult conditions. Our office looks shabby, printing equipment and methods are simple and primitive. Basically, we print by hand.

Q: How do you print it?

A: As far as its contents are concerned, we have tried our best to make it competitive with other modern newspapers. But our printing method is very primitive. We cut stencils first, and then have them mimeographed by hand. We devote only our spare-time and nights to printing the newspaper.

Q: Where have the funds come from?

A: At the beginning, funds were donated by workers associated with the newspaper whose monthly salaries range from 40 to 50 yuan. Each of us was requested to donate 1 yuan or 1 percent of

his monthly salary to the fund. Beginning from the issue no. 5, it has been sold at a price that all the low-income Chinese people can afford. Because we are responsible for our own profits and losses, we cannot sell it at too low a price so that we can make both ends meet.

We have two offices: 1. the editorial department; 2. the liaison office located at 76, Lane 14, Dougsi. But the Hong Kong journal *Contend* once mistook our mail-handling liaison office for our editorial department, which is located at my two-room home here. I have used one 16-square meter room as our editorial department. It is where all articles are edited, stencils are cut, copies are printed and stapled. Our working conditions are poor and working schedule is very tight. Since we all have regular daytime jobs, we can only spend nights running our newspaper. To meet the deadline, sometimes we can sleep only 1 to 4 hours a day. We often have to work until 11:00 to 12:00 p.m. or even 1:00 to 2:00 a.m. Our newspaper is a monthly publication. As soon as an issue is off the press, we have a few-days break before preparing for the next issue. Although many more people have expressed their desire to join us, we had to turn them down because our room is too small for so many people. So far, we have had no trouble buying newsprint paper, ink and stencils from the local market, although they were sometimes in short supply. In short, no one has deliberately refused to deal with us.

This interview took place at the editorial office of *April Fifth Forum* on 23 June 1979. It was first published in the Hong Kong magazine *Observer* (*Guanchajia*), August 1979, and reprinted in *April Fifth Forum* November 1979. JR5442.

EPILOGUE

In mid-1980, Xu Wenli's predecessor as *April Fifth Forum* editor was sentenced to three years imprisonment. (See *SPEAHRhead* 6/7, p. 35.) At about the same time, Xu closed down the publication, perhaps to avoid a similar fate. By September, all of Peking's unofficial journals had been forced to cease publication.

The following notes are supplied by SPEAHR.

1. In the original, the interviewee is only identified as "Xu X X," but it is evident from the content that he is Xu Wenli. Xu is a 36-year-old Beijing electrician who considers himself a "non-dissident" democratic activist (AFP 142A).

2. This is probably a reference to the China Human Rights League, although we are not aware that the League took many of the positions which Xu outlines in the following paragraph.

3. The distinction which Xu makes between the democratic movement and the human rights movement is not one which is generally recognized. Presumably it was prompted by certain positions which some self-styled human rights advocates took. However, most of the unofficial essays written during the 1978-1979 thaw advocated both democracy and human rights, which were considered closely related.

4. The journal *Enlightenment* (n.d.) had carried an article by Jie Jun entitled "The United States is a Democratic Paradise." This prompted the article mentioned here, and also "Further Discussion on Whether the United States is 'A Democratic Paradise.'" The latter appears as Document 58 in James D. Seymour, ed., *The Fifth Modernization: China's Human Rights Movement, 1978-1979* (Pine Plains, N.Y.: Earl Coleman Enterprises, 1980).

WEI JINGSHENG, continued from page 15

out and say, "Without Mao Zedong there would have been no new China." In his 16 March speech, he not only stuck stubbornly to these words but also praised Mao Zedong openly as the banner of the Chinese nation saying that Mao's shortcomings were next to nothing. . . . Is he afraid that investigation into Mao's mistakes will involve this past partner of his, or is he prepared to carry on the dictatorial socialist politics of the Mao Zedong type? He is

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- Ali Lameda on North Korea
- Elections in China
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traversing a road of exercising dictatorship after worming his way into people's confidence.

Wei Jingsheng's Girlfriend

When these young people talked about Wei Jingsheng's viewpoint, there was an animated discussion. They argued back and forth. Everybody talked about the matter. Suddenly a young fellow cut them short: "Let's stop arguing. I remember an anecdote heard this afternoon about Wei Jingsheng's girlfriend. Would you like to hear what I am going to say?"

"What anecdote?" they all asked trying to get a word in.

"It is about Wei's girlfriend."

"Girlfriend?" they said out of curiosity.

"Is it that girl mentioned on 'Democracy Wall?' that zealous youth asked.

I was also interested. I hastened to question closely.

"That big-character poster says that after Wei Jingsheng was arrested, plainclothes public security men came to the home of that girlfriend and deceived her, saying they were Wei's friends and that Wei had asked them to come to get some materials. The girl did give all the materials to these men."

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A secondary effect of the censorship was that it has usually been virtually impossible for foreigners to know what the Chinese people are thinking. Some of us have assumed, quite wrongly, that the rulers of any given moment have reflected the views of the public. (People who so concluded were somewhat hard-pressed for an explanation when those in power were suddenly replaced by opponents with quite different ideas, as has happened on a number of occasions.) Others, believing that the Communists could not possibly reflect the views of this ancient nation, assumed that the Chinese Nationalists spoke for China, in spite of the fact that support for them collapsed in 1949.

Only twice, both times for less than half a year, have people in China been able to speak for themselves. The first time was in the spring of 1957, and the second was during the winter of 1978-1979. On both occasions we heard from only a small, articulate minority, so we should be cautious in drawing inferences. Nonetheless, it behooves anyone who really wants to know what the Chinese think to pay attention to these episodes, for at all other times those from whom we hear are essentially the ruling groups. (Fortunately, English-language anthologies are available for both occasions.¹) Although a variety of issues turned out to be on people's minds, it is striking that the common denominator among those who stepped forward in either 1957 and 1978-79 was a desire for a more democratic political process based upon respect for individual human rights. These men and women were painfully aware that the people of China (not solely the intellectuals) had paid a heavy price for the deprivation of civil liberties.

An example of the cost of the lack of freedom of expression can be seen in the case of agricultural policies. For many years, China's peasants were heavily and continuously propagandized on the importance of emulating the "revolutionary" agricultural practices of the village of Dazhai in north China. The few who dared question the appropriateness of these policies were condemned as "capitalist roaders." Then, during the political thaw of 1978-79, a short-lived democratic journal called *Enlightenment* exposed the ways of Dazhai as counter-productive.² Finally, this summer the official media took up the cry, carrying repeated vilifications of the whole Dazhai experiment, and acknowledging secret state subsidies and falsified output figures. It is now conceded that the national campaign to "learn from Dazhai" had disastrous results. Undoubtedly, many people in China went hungry because of the impermissibility of criticizing agricultural policies which the government now admits were "stupid."³

Many people in China realize that the only way to avoid (or at least reduce the impact of) erroneous policies is through fundamental constitutional reform which would produce governmental accountability to the people. This view was well expressed in another of China's short-lived democratic journals, *April Fifth Forum*.

[We omit here a five-paragraph quotation from the article "Science and Democracy," a translation of which appeared in *SPEAHRhead* 4/5, p. 43.]

Thus it is recognized that the current regime's economic policies (the "Four Modernizations"), however creditable, cannot be realized until China becomes a more tolerant, pluralistic society with respect for civil liberties, for it is only on this basis that a modern political system can be erected.

Even Mao Zedong once admitted that free political expression is necessary for healthy government. In 1957 he said:

People may ask: Since Marxism is accepted by the majority of the people in our country as the guiding ideology, can it be criticized? Certainly it can. As a scientific truth, Marxism fears no criticism. If it did, and could be defeated in argument, it would be worthless. . . . Marxists should not be afraid of criticism from any quarter. Quite the contrary, they need to steel and improve themselves and win new positions in the teeth of criticism and the storm and stress of struggle. Fighting against wrong ideas is like being vaccinated — a man develops greater immunity from disease after the vaccine takes effect. . . .

It is not only futile but harmful to use crude and summary methods to deal with ideological questions among the people. . . . You can ban the expression of wrong ideas, but the ideas will still be there.⁵

But though they have sometimes admitted the need for free expression, China's leaders (like so many around the world) have been unwilling to give it priority when their own power was at stake. Given the choice between permitting "destabilizing dissent" or perpetuating their own political careers, they have invariably chosen the latter. Thus, Mao Zedong arrested his critics a few months after he made the above-quoted statement, and the "liberal" Deng Xiaoping arrested the more

The official press has been full of accounts of individuals who were wrongfully "persecuted" or "persecuted to death."

outspoken dissidents in 1979. These practices must be seen for what they are: the efforts of politically insecure leaders who fear that their popularity is waning or that their critics are indeed hitting at the regime's vulnerabilities. There is nothing peculiar to Chinese culture or to Marxism in this phenomenon. Dictators in all parts of the world react the same way under similar circumstances.

The Media

The information media have been almost totally controlled by the successive groups in power. The only

“It would be difficult to explain if today’s outstanding students became tomorrow’s political dissenters.”

—*Liberation Daily*

Shanghai, 25†27F

exceptions were the independent wall posters (the constitutional provision for which has now been eliminated) and the dissident journals of 1978-1979. The latter have now largely disappeared,⁶ and many of their editors are in prison.⁷

In the past, the official media have largely sung praises of the ruling groups, and vilified their enemies. Today they continue to do both, though somewhat less stridently and simplistically than before. There has been a recognition that in the past the media have lacked credibility. The credibility gap was due in part to the many sudden, drastic shifts in political line, and in part because so little concrete and reliable information was provided. The main newspaper of Tianjin (Tientsin) observed last year that although there had been some improvements in media credibility, these were as yet inadequate. There were still “empty exaggerations” or reports which were “insufficiently truthful.” In some news reports, *Tianjin Daily* continued, there were “bald fabrications and groundless accusation.”⁸

Today China’s leading newspaper (and perhaps others) has authority to publish articles without first clearing them with the Propaganda Department of the Communist Party. This in itself does not make the press free, but it is an important development nonetheless. Much of the media is now carrying more varied, interesting and even controversial information and ideas than hitherto. For example, China’s environmental problems are being explored with refreshing candor. Last month, the Peking newspaper *Guangming* carried a letter from scientist Wang Wenho detailing the harm

We cannot afford to be anything but consistent in upholding our principles with regard to both communist and non-communist countries.

that has been caused by the promiscuous use of pesticides. Such reporting would have been unthinkable a few years ago, when ecological problems were presumed to be peculiar to decadent capitalist societies. If such a flow of information and ideas continues to increase, we have reason to believe that China’s modernization goals can be achieved by the end of the century as hoped. But there is also the possibility that the leaders will feel threatened by such openness, and might crack down again. This would be a serious setback for modernization.

For a few months in 1978-1979 it was possible for Chinese to import some foreign periodicals, particularly left-wing Hong Kong publications. However, this has not generally been possible since the spring of 1979 (except perhaps for publications devoid of political implications). Foreign broadcasts are popular — both Western shortwave transmissions and (around Canton) Hong Kong radio and television programs.

Law and Due Process

My fellow witness, Professor June Dreyer, is highly qualified to speak on China’s legal institutions, and I shall limit myself to some brief observations.

During the first twenty-five years of the People’s Republic, law was at best primitive, and at times seemed to be non-existent. Last month it was announced that ninety-four percent of the cases of the 1.13 million people convicted between 1966 and 1976 had been reviewed, and that a large portion of the verdicts were found to have been unjust. The official press has been full of accounts of individuals who were wrongfully “persecuted” or “persecuted to death.”

Laws have now been introduced, including the PRC’s first criminal code. Although there are few qualified legal personnel, an effort is being made to train them so that trials will be fairer. However, when politics is involved, it seems that defendants still have little hope of justice. After liberal dissident Wei Jingsheng eloquently defended himself at his trial, he was attacked in the official media for “brazenly exercising his constitutional right of defense” and given a fifteen-year prison sentence. Mao Zedong’s now-disgraced leftist aides have languished in jail for years without trial (though one has been announced for the so-called “gang of four.”) There is a loophole in the law which allows the authorities to imprison people for up to four years without trial. Often such detainees are sent to the dreaded labor camps. The editor of one unofficial journal killed himself by jumping under the train which was to carry him to such a camp.

Elections

Article 21 of the UN’s Universal Declaration of Human Rights (1948) authorizes everyone to take part in government, whose members are to be selected on the basis of “periodic and genuine elections.” In the past

such requirements have been ignored in China, for those "elections" that were held were meaningless. However, in the fall of 1979 demands for democratic elections grew, and there were signs of interest among government circles.⁹ *People's Daily* admitted that past elections had not always been democratic, and suggested that the situation should be changed. "The masses want genuine, true democratic elections, not something fictitious or in name only." The next spring, *Workers' Daily* called for the heads of factory workshops, sections and teams to be democratically chosen, though it was acknowledged that several impediments existed and people would be "suspicious that elections will continue to be rigged." For the village level, also, the media discussed the need for a new kind of elections. As *People's Daily* put it, "Democratic rights must be returned to the masses so that they can elect the people they like."

During the last two years, elections at the local level have been held in many parts of China. Apparently, voting is generally by secret ballot. Gradually it is becoming more common for the voters to actually have a choice among candidates. How one comes to be a candidate is not altogether clear, though. There is a sort of nomination process called "consultation," and it is difficult to avoid the suspicion that critics of those in power are quietly eliminated before the voters have their say. Nonetheless, these elections must be seen as a step forward. The delegates to the next National People's Congress are to be elected. Unless the elections are totally rigged we will have a spectacle unparalleled in the communist world.

Even though the delegates to last month's NPC were appointed, there was a surprising amount of give-and-take at the sessions. There was token dissent on certain issues, and some sharp questions for members of the government. One younger delegate cited "a grave tendency to substitute the [Communist] Party for the government," and for people to feel that the NPC simply ratified Party decisions. He called for delegates

We must not fall back into the trap of thinking that freedom and democracy are only appropriate for European and English-speaking countries.

to reflect the will of constituents "rather than merely putting up their hands at meetings." That such a sentiment could be expressed on this occasion is truly remarkable, but it also indicates how far China has to go to give life to Article 21 of the Universal Declaration of Human Rights.

Perhaps the most dramatic shift in China's human rights situation in recent years has been in the area of religion.

Prior to 1965 the Chinese Communists, while strongly promoting atheism, were usually cautious in their policies toward religion. Although believers were required to sever relations with foreign churches, low-profile religious practices were often permitted (though proselytizing was not). During the Cultural Revolution (1966-1976) this condition changed drastically. Temples, mosques and churches were ransacked, and believers were mercilessly persecuted.

Within a year of Mao Zedong's death, the new leadership began to take a new look at the subject. Although their commitment to atheism had not flagged, they realized what a price the nation had paid by the alienation of so many religionists. *Peking Daily* now warned:

Any attempt to use administrative orders to forcibly prohibit or exterminate religion will only boomerang and have a reverse effect. Engels once flatly rejected methods like exterminating religion and dismissed it as something which works in the service of "god." Not only does it fail to exterminate religion, it in fact intensifies religious fanaticism.¹⁰

The first step in carrying out the new policy was the establishment of various institutes for the scientific study of religion. Then, churches were allowed to reopen, with the government even financing the reconstruction of houses of worship. For example, it has been reported that Peking's largest Taoist temple, Bai Yun Guang, is being repaired.¹¹ The 1,200 year-old temple used to be the center of Taoism in northern China. In the Xinjiang region in northwest China, where Islam is strong, 1,900 mosques have been reopened in recent years. And a Protestant seminary is scheduled to open in Nanjing (Nanking) this fall.

Lately there have been a few, but not very many, instances of people being incarcerated for religious reasons. However, a number of people arrested long ago still have not been released. Most of the known cases are Catholics. Gung Binmei, the Vatican-appointed Bishop of Shanghai who was arrested in 1955, is still serving a life sentence.

Thus, the new liberalized religious policies have been carried out unevenly. Last fall, *People's Daily* admitted that the anti-religious stance of the dethroned radicals "still has far-reaching influence." Some cadres were insisting that the new policy should be interpreted as meaning that a person can *believe* what he wants, so long as he does not engage in any religious *practices*. The paper maintained that this attitude is wrong. "No attempt should be made to compel people to embrace atheism." It was noted that under a new law (article 165 of the criminal code) a person may be sentenced to two years for depriving another of religious freedom.¹²

We must wait and see whether the liberal view can prevail over the radicals' militant atheism.

Between 1949 and the mid-1960s, the United States government was sharply critical of the PRC on human rights and other grounds. With the impending rapprochement, and also the lessening of interest in the case of human rights with respect to the world generally, this criticism was muted. Then, with the renewed concern for human rights by the present administration in Washington, some attention has been paid to the problem in China. For example, following the 1979 conviction of dissident writer Wei Jingsheng, there was a cautious diplomatic rebuke from the State Department. Unfortunately, such stands are inevitably viewed in the context of our long history of partisan anti-communism. When similar human rights abuses by the Chinese Nationalists on Taiwan are greeted by U.S. silence, people are entitled to conclude that American advocacy of human rights is nothing but a cover for political issues which have nothing to do with human rights. Such lack of balance and outright hypocrisy both cheapens American foreign policy and undermines the cause of human rights.

China needs dissidents to speak for the desperate, and to examine whether government practices are in any way wanting.

We should not be afraid of balance on this issue. The example of Iran has demonstrated that whatever short-run benefits may accrue to us from the support of a dictatorship, in the long run such policies will come home to haunt us. The more repressive our "friend," the more anti-American the country will ultimately prove to be. Thus, we cannot afford to be anything but consistent in upholding our principles with regard to both communist and non-communist countries. We must realize that our true friends are those countries where the governments are freely chosen by the people. Relations with other states are inevitably fragile, and can only be stabilized on the basis of improved respect for human rights in those countries.

I do not recommend less attention to the subject of human rights in China, but rather more (and more balanced) attention to the subject with respect to all of Asia. President Jimmy Carter, in his speech to his party's convention, discussed the subject of human rights with some passion, but he only specified Eastern Europe and the U.S.S.R. Perhaps this was appropriate in view of the fact that these lands have seen the least progress in human rights since he first reintroduced human rights as an element in U.S. foreign policy. But

we must not fall back into the trap of thinking that freedom and democracy are only appropriate for European and English-speaking countries. And we must give ourselves credit for being part of a movement which has seen significant advances in constitutionalism since 1976. In Africa, for example, there were only two functioning multiparty democracies in 1977. Now there are at least seven, including Nigeria, the continent's largest nation. In Asia, India returned from "emergency" rule to constitutionalism — however worrisome the situation may be at the moment. But there is a long way to go before most of the governments of the world are placed under the control of the people, especially in East Asia. America does not have the power to achieve this goal for everyone, but neither is the goal likely to be achieved in many countries in our lifetimes without our encouragement.

Although it is essential that the United States government react with public expressions of disapproval whenever unhealthy human rights situations exist, statements alone will accomplish little if they are accompanied by tangible support for the officials responsible for the rights violations. In general, we should refrain from alliances (formal or informal), avoid giving material support unless it is essential to American security (which is virtually never the case), and decline to give material aid or trade advantages to such governments.

The issue facing our government at the moment is whether or not to permit the sale to China of police equipment such as mobile crime laboratories and modern fingerprinting equipment. Under the Foreign Assistance Act (section 502b), licenses are prohibited for such sales "to a country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights." Exceptions can be made only if the President certifies to Congress that "extraordinary circumstances exist warranting provision of such assistance and issuances of such licenses." I understand that the State Department is divided on the issue, with the East Asian section favoring the sale and the human rights office opposed.

Inasmuch as it is unlikely that "extraordinary circumstances" could be shown to exist in this instance, a determination must be made as to whether China's human rights violations are "consistent" and "gross." That they are "consistent" would seem to be beyond doubt, for civil liberties have been generally denied since 1949 except for the two brief episodes noted above. That the violations are consistently "gross" is more difficult to establish. *Black's Law Dictionary* defines "gross" as: "Great; culpable. General. Absolute." China's human rights violations are fairly general, but not "absolute." The concept of "gross violations" was probably meant by the Congress to embrace more serious human rights situations that we see in China today.¹³

I would recommend that the Foreign Assistance Act be interpreted to mean that sales of police equipment to

less-than-gross violators is permissible, provided that a determination is made that the equipment would have no meaningful impact on the human rights situation in the consuming country. Thus, equipment to foil larceny would probably be allowed, but crowd-control equipment would not. I am not familiar enough with the exact nature of the equipment now under review to make a judgment as to its likely applications. It is probable that some items would fall into the gray area. That is to say, they may have legitimate applications but also have some potential for abuse (e.g. use against dissidents). But the Department of State and other concerned agencies should be able to make a determination of how great is the risk of misuse, and grant or withhold licenses accordingly. (Similar determinations are regularly made regarding defensive/offensive weapons.)

With regard to trade in general, we now have the somewhat anomalous situation of maintaining most-favored-nation trade relations with China and Taiwan, while denying this status to the Soviet Union on human rights and other grounds. There is no moral justification for making such a distinction. In the case of the Jackson-Vanick amendment, the narrow legal grounds where China is concerned are that Peking has given assurance that people will be permitted to emigrate. In the case of Taiwan (which sometimes denies the right to emigrate for political reasons), the

If the flow of information and ideas continues to increase, we have some reason to believe that China's modernization goals can be achieved by the end of the century as hoped.

island is not covered by Jackson-Vanick because it has a "market economy." None of this makes any sense from the point of view of human rights, as the three governments are rights violators of the same order of magnitude. The only solution that I can see is modifying the law so that emigration is not singled out as a right for special consideration (it is hardly the most basic of all human rights), and to eliminate the distinction between market and non-market economies, which is largely irrelevant. But for me to go further into this question would carry us outside the topic on which I have been asked to testify.

• • •

In conclusion, I believe (as do many Chinese) that there is nothing that this great and ancient nation needs

more desperately than protection for civil liberties. When the country's other problems are swept under the carpet rather than fully aired, they are simply exacerbated. In China, as elsewhere, the shortcomings of the economy are not helped in the least by the imprisonment of dissidents. On the contrary, it is helpful to have attention called to the problems that exist. For example, while great strides have been made in the monumental task of feeding China's billion people, there are still pockets of hunger. Maybe these can never be totally eliminated, especially following periods of poor weather. Still, it is important that the government be made aware of any hunger that does exist. Local cadres cannot be counted on to report such failings to the central authorities. China needs dissidents to speak for the desperate, and to examine whether government practices are in any way wanting. It remains to be seen whether China's post-Maoist leaders are courageous enough to have their policies put to such a test.

Delivered before a joint session of the Subcommittee on International Organizations and the Subcommittee on Asia and Pacific Affairs of the Committee on Foreign Affairs, U.S. House of Representatives, Washington, D.C., October 1, 1980.

NOTES

1. Roderick P. MacFarquhar, ed., *The Hundred Flowers Campaign and the Chinese Intellectuals* (New York: Frederick A. Praeger, 1960); and James D. Scymour, ed., *The Fifth Modernization: China's Human Rights Movement, 1978-1979* (Pine Plains, New York: Earl M. Coleman Enterprises, 1980).

2. *Fifth Modernization* (see note 1), document 45.

3. *Far Eastern Economic Review*, 25 July 1980.

There have been other indications that the failure to permit open discussion of agricultural policies has resulted in economic difficulties. A cadre in the northwestern province of Gansu once "put forward some dissenting views" on the subject. However, "the leaders slandered him, saying that he did not believe in putting politics in command. They also stirred up a cold wind, and suppressed the people's revolution. Their efforts put all cadres in a dilemma. When they emphasized production, they feared that [bad political] labels would be stuck on them. If they neglected production [in favor of politics], they feared that the people would starve. . . . They did not allow people to reveal the truth." This statement is from a Chinese broadcast quoted in *SPEAHRhead*, no. 1, p. 21.

4. *April Fifth Forum*, 30 December 1978. Translation from *SPEAHRhead*, no. 4/5, p. 43.

5. Mao Zedong, *Selected Works*, vol. 5, p. 410. (Mao added that such freedom should not be allowed to "counterrevolutionaries" — a somewhat elastic term.)

6. The last unofficial magazine in Peking, *Today*, was obliged to close down in September. As of mid-September, there were about nine unofficial publications elsewhere in the country. It is not known how many if any of these are now able to continue publication. See next note.

7. Among Peking editors sentenced have been Wei Jingsheng (who presided over the publication *Exploration*), 15 years; and Liu Qing (*April Fifth Forum*), three years. Also arrested late this summer were the editors of *People's Road* and *Voice of the Masses* (both of Canton), *Bell* (Wuhan), and *Republican* (Changsha).

8. *Tianjin Daily*, 19 August 1979, quoted in *SPEAHRhead*, no. 4/5, p. 14.

9. The changing government attitude is analyzed in *SPEAHRhead*, no. 3, p. 4.

10. *Far Eastern Economic Review*, 15 August 1980, p. 29.

11. *South China Morning Post*, 4 July 1980.

12. The *People's Daily* article of 17 October 1979 is summarized in *SPEAHRhead*, no. 4/5, p. 13.

13. However, I have not researched the legislative history on this matter.

LEGEND

† This symbol indicates that our source is a broadcast transcript. Before the † will appear the location of broadcasting station, and the date of origin. "Date of origin" means the date of the original report, which in some cases will be the date the report was first published (as in a newspaper), rather than date of broadcast. If different, the FBIS date follows the †. (U.S. Foreign Broadcast Informa-

tion Service, *Daily Report*). FBIS volume number (I, in the case of the People's Republic of China) is omitted if obvious. Years are not indicated except for items more than 9 months old. Broadcast dates are Greenwich Mean Time.

[] A two-digit number in brackets indicates the relevant article of the U.N.'s Universal Declaration of Human Rights (1948). See page 2.

A April
a August
AFP Agence France Presse
AH Anhui Province
AW *Asiaweek*
BJ Beijing (Greater Peking)
BR *Beijing Review*
C China, People's Republic of
c circa
D December
F February
FEER *Far Eastern Economic Review*
FJ Fujian Province
GD Guangdong Province
GM *Guangming Daily*
GS Gansu Province
GX Guangxi (Zhuang) Autonomous Region
GZ Guizhou Province
HB Hubei Province
HEB Hebei Province
HEN Henan Province
HK Hong Kong
HL Heilongjiang Province
HN Hunan Province
I January
J June
j July
JL Jilin Province
JP Japan

JR U.S. Joint Publications Research Service (final digits of document number)
JS Jiangsu Province
JX Jiangxi Province
K Kyodo
LN Liaoning Province
M March
m may
MPR Mongolian People's Republic
N November
NK North Korea
NM Nei Monggol (Inner Mongolia) Autonomous Region
NX Ningxia (Hui) Autonomous Region
NYT *New York Times*
o October
PD *People's Daily*
PRC People's Republic of China
QH Qinghai Province
R Reuters
S September
SC Sichuan Province
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The cost of printing and mailing each copy is now well over our \$8 minimum rate. Thus, we are more dependent than ever on extra contributions.

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